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History of New Brunswick

BY

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ST. JOHN, N. B.
JOHN A. BOWES

1909

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Hon. J. DOUGLAS HAZEN, Premier of New Brunswick.

HISTORY OF
NEW BRUNSWICK

VOLUME II.

HISTORY OF NEW BRUNSWICK.

CHAPTER XXVII.

A COMMITTEE on grievances, consisting of Messrs. Kinnear, Simonds, Chandler, Partelow, Taylor, Weldon and Wyer had been previously appointed for the purpose of taking into consideration and investigating all matters in connection with the Crown lands, which were the subject of complaint. After hearing the evidence of a number of witnesses and reporting to the House, this committee prepared an address to His Majesty which recited the difficulties in connection with the Crown lands of the Province. The House resolved to send a deputation to England with the petition which had been prepared by the committee on grievances, and they asked the Lieutenant Governor to give to the deputation such letters to the Secretary of the State for the colonies as would enable them, with as little delay as possible, to enter upon the important matters entrusted to them. Sir Archibald Campbell replied that he could not comply with the prayer in the address, and that even if he considered himself authorized to do so, the well known accessability of the Colonial Secretary would render such letters unnecessary.

The deputies appointed to proceed to England and lay the grievances of the Province at the foot of the throne, were Charles Simonds and Edward B. Chandler, both men of wealth, influence and position, and well qualified for the performance of the work with which they were entrusted. They arrived in England in June, 1833, and immediately placed themselves in communication with the Right Honorable E. G. Stanley, who was then Colonial Secretary. Their report was laid before the Legislature in February, 1834, and the result was highly satisfactory to the House of Assembly. A few days later a despatch from Mr. Stanley to Sir Archibald Campbell was laid before the House, in which he stated the terms on which he should feel that His Majesty might properly be advised to place the proceeds of the casual and territorial revenue under the control of the Assembly of New Brunswick. He would, he said, be prepared to advise His Majesty to accept a permanent appropriation by the Legislature, duly secured, to the amount of £14,000 per annum, and that the Crown should undertake to charge on any such permanent grant, the salaries of the Lieutenant-Governor, his private secretary, the Commissioner of Crown lands, Provincial Secretary, Chief Justice, three puisne judges, the Attorney General, Auditor, Receiver General, the expenses of the indoor establishment of the Crown land department, and a grant of £1,000 to the College. It would be necessary, Mr. Stanley said, that any bill passed in consequence of the proposal contained in this despatch, should contain a suspending clause in

order that it might be submitted to His Majesty before it was finally assented to. It was also stated, in order to prevent misunderstanding or delay, that the House should be apprised that, unless some other fully equivalent and sufficient security could be devised, it would be expected that the act should provide that the stipulated annual commutation should be payable out of the first receipts in each year, and that in case of any default in such payment, that the whole of the revenue surrendered should revert to the crown. A committee was appointed to prepare the bill on the subject of the surrender, by His Majesty, of his casual and territorial revenues of the Province. The House of Assembly had previously passed a resolution that the sum of £14,000, required by His Majesty's government as a permanent grant for the surrender of the casual and territorial revenue of the Province, was greater than the charges contemplated to be placed thereon required, yet that the great desire of the House of Assembly to have this important subject finally settled, should induce them to accept the proposal contained in Mr. Stanley's despatch. On the day after this resolution was passed, the Lieutenant-Governor communicated to the House of Assembly an extract from a despatch, received the previous day by him from the Right Honorable Mr. Stanley, dated the 4th of January, 1834. This extract was as follows :

“In your message communicating to the Assembly the proposal contained in my despatch of the 30th September, you will take care distinctly to explain that the payments expected from the New

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Brunswick Land Company, are not included in the revenue which is offered to the acceptance of the Assembly." It is to be regretted that an answer couched in such a paltry spirit should have been received from a member of the British cabinet. It showed a desire to drive the hardest possible bargain with the people of the Province and proved that what was given, was not a free gift but one which could not be withheld. If any part of the Crown land revenues belonged to the province then the whole revenue should have come to the province, for there was no distinction whatever between the money that was to be paid by the New Brunswick Land Company and the other portions of the casual and territorial revenue. Thus the matter was viewed by the House of Assembly, and a resolution was passed in committee, regretting that the additional condition contained in Mr. Stanley's last despatch would prevent the committee recommending to the House further action in the matter of preparing a civil list bill. Thus ended the attempt to settle this vexed question in the year 1834. The House of Assembly, however, still continued to agitate the matter, and to make Sir Archibald Campbell's life a burden to him. On the 7th of March they addressed him asking for accounts, in detail, of the casual and territorial revenues, and calling for a number of statements which they had not received except in such a shape that they could not be properly understood. They also addressed His Excellency, requesting him to lay before them copies of all official despatches transmitted to him by the Secretary of State for the

Colonies since he assumed the administration of the government, relating to the subject of the casual and territorial revenues. The reply of His Excellency to the request for more detailed accounts was a courteous one; but while he consented to furnish the accounts requested, in detail, it was with the understanding that his compliance was not to be considered as a precedent. He declined, however, to give the names of the parties who had their timber seized or forfeited, or the names of the petitioners for Crown land. He also refused to furnish the accounts of the Receiver General and Commissioner of Crown lands, on the ground that they were accounts exclusively between these officers and the Crown.

With regard to the request for his correspondence with the Colonial Secretary, Sir Archibald Campbell, in another message, gave a tart refusal, stating that such a request was subversive of the principles and spirit of the British Constitution, and that he would ill deserve the confidence put in him by His Majesty were he to hesitate in meeting so dangerous an encroachment, not only on the independence of the Executive, but the prerogative of the British Crown, with a most decided and unqualified refusal. This old military tyrant considered himself a proper exponent of the principles and spirit of the British Constitution. He failed to understand that the British Constitution rests upon the support of the people, while his system of government was intended to ignore the people altogether.

A few days after the receipt of this message, a resolution was passed by the House of Assembly,

declaring that the language used by the Lieutenant Governor, in his reply to the address of the House, was at variance with all Parliamentary precedent and usage, and such as was not called forth by the address. Some of the Governor's friends attempted to weaken the force of this resolution by an amendment of a milder nature, but their amendment was defeated, and the resolution carried by a vote of 15 to 8. Another address on the subject of the casual and territorial revenues and civil list, was prepared and passed by the Assembly for the purpose of being forwarded to His Majesty. It recited the proceedings in regard to the matter which had taken place already, and the desire of the House of Assembly to accept the proposition contained in Mr. Stanley's first despatch, and expressed the regret of the House at the new condition imposed with regard to the New Brunswick Land Company, which made it impossible to accept the settlement as amended. The House concluded by expressing a hope that the terms proposed in the original despatch might yet be considered definite, and that the proviso with regard to the New Brunswick Land Company might be withdrawn. This was transmitted to England, but, before the year ended, Sir Archibald Campbell concluded to rid himself of the House of Assembly, which had given him so much annoyance, and accordingly it was dissolved early in November, so that when the Legislature met again in January, 1835, the House of Assembly was a new one, although largely composed of the old members. The answer to the address of the House to the

King, of the previous session, was not laid before the House of Assembly until that body had been sitting about a month. It consisted of an extract from a despatch of the Earl of Aberdeen, dated Downing Street, 24th December, 1834. This despatch is so curious a document that it is well worth being quoted. The portion of it laid before the House of Assembly was as follows :

“ I have had under my serious consideration your despatch No. 17, of the 24th March last, accompanied by an address to His Majesty from the House of Assembly, respecting the recent offer which has been made to them of the proceeds of the Crown revenues in New Brunswick.

“ From various parts of the address I infer that the proposal conveyed to the Assembly, through my predecessors, must have been misapprehended in more than one important particular ; and I have especially remarked the erroneous assumption that, in offering to surrender the proceeds of the Crown lands, it was intended also to give up their management, and to place them under the control of the Legislature.

“ From the course of their proceedings, as well as the tenor of the present expression of their sentiments, the Assembly must be understood to consider it an indispensable condition that the payments of the Land Company should be comprised among the objects to be surrendered to them. This is a condition to which His Majesty's Government cannot agree. His Majesty's Government would also be unable to recognize the interpretation which was placed on their former offer, so

far as regards the control over the lands belonging to the Crown in New Brunswick. Under these circumstances I can only desire you to convey to the Assembly, His Majesty's regrets that the objects of their address cannot be complied with ; and adverting to the wide difference between the views entertained by the Government and those manifested by the Assembly on this subject, it seems to me that no advantage could be anticipated from making any further proposals at present respecting the cession of the territorial revenue."

This despatch, which brought a sudden close to the negotiations with regard to the casual and territorial revenues of the Province, did not emanate from the Government with which the House of Assembly had been previously negotiating, but from a new administration which had just been formed under the premiership of Sir Robert Peel, and which lasted just one hundred and thirteen days. The creation of this administration was due to the action of King William IV., in dismissing his advisers on the death of Earl Grey. The King had grown to detest his Cabinet for their reforming spirit, but fortunately for Great Britain and for New Brunswick, the King's designs were thwarted by the failure of Sir Robert Peel, to form an administration capable of facing the House of Commons. As a consequence, Viscount Melbourne became premier, and a renewal of the negotiations with the Government in regard to the casual and territorial revenues was rendered possible. During the same session that this despatch was received, another address was prepared by the House of Assembly,

to be laid before His Majesty, on the subject of the casual and territorial revenues. In this address the grievances with regard to the management of the Crown lands of New Brunswick were recited, and the willingness of the Legislature to provide for the civil establishment of the Province was stated. The address urged the benefits that would result to the people of New Brunswick by placing the net proceeds of the Crown land revenues, under the control of the Legislature. Attached to this address was a schedule of salaries, paid out of the casual and territorial revenues, amounting in all to £10,500 currency. The address was transmitted to the Governor to be forwarded to His Majesty.

At the Legislative session of 1836, the House of Assembly passed an address to the King on the subject of the grievances of the Province, with regard to the casual and territorial revenues, and Messrs. L. A. Wilmot and William Crane were appointed a deputation to proceed to England, for the purpose of concluding arrangements in regard to these matters. They arrived in England in June of that year, and immediately placed themselves in communication with Lord Glenelg, with whom they had many interviews. The result of their work was that an arrangement was made satisfactory both to the British government and to the delegates representing the House of Assembly, by which the casual and territorial revenues were to be transferred to the Province, in consideration of the legislature undertaking to provide for a civil list of £14,500 currency annually, for the payment of certain salaries chargeable to that fund. A draft of a civil

list bill was prepared and agreed to by the Lords of the Treasury, and the understanding was that it should be passed by the Legislature, and receive the assent of the Lieutenant-Governor, when it would immediately become operative.

The first clause of this bill transferred the proceeds of the territorial and casual revenues, and of all woods, mines and royalties which had been collected, and were then in hand, or that should thereafter be collected to the Provincial Treasurer; he was authorized to receive them for the use of the Province, while the act remained in force. The second clause charged the revenues with the payment of £14,500 for a civil list. The third clause enacted that all the surplus over and above the sum of £14,500 currency, should remain in the Treasury of the Province, until appropriated or disposed of by an act or acts of the General Assembly. The fourth clause gave the Lieutenant Governor, with the advice of his Executive Council, power to expend such sums as they might deem necessary for the prudent management, protection and collection of the said revenues, a detailed account of which was to be laid before the Legislature within fourteen days of the commencement of each session, with all vouchers for the same. It was also enacted that all grants or sales of Crown Lands should be void unless the land had been sold at public auction, after due notice in the "Royal Gazette." By this arrangement the House of Assembly had obtained the boon for which they had so long been contending, but there was still one more obstacle to be overcome, the opposition of

the Lieutenant Governor, Sir Archibald Campbell, who had entered into a plot with some of the enemies of freedom in the Province for the purpose of thwarting not only the wishes of the House of Assembly, but also the intentions of the Home Government. As soon as Sir Archibald Campbell was apprised of the intention of His Majesty's advisers in England to transfer the casual and territorial revenues to the Provincial Legislature, he commenced a correspondence with the Colonial office, pointing out what he deemed to be imperfections in the scheme which they had prepared for the management of the public lands. He pretended to have discovered that there was some error in the calculation of the Lords of the Treasury with regard to the sum to be paid in lieu of the civil list and that the amount of £14,500 currency would not be sufficient to defray all the expenditures chargeable on the civil list. Sir Archibald Campbell, soon after the opening of the session of the Legislature in December, 1836, requested the House of Assembly to add a suspending clause to any civil list bill they might pass, so that he might forward it to the Home Government for their approval. As this was entirely contrary to the understanding which had been reached between Messrs. Wilmot and Crane and the Colonial Secretary, it being understood that the civil list bill if passed in the form agreed upon would be immediately assented to by the Lieutenant Governor, the House of Assembly very naturally refused to comply with Sir Archibald Campbell's wishes. The old military tyrant,

however, held firm in his resolution, and the civil list bill which had been agreed to by the Home authorities, after being passed by both houses, did not receive his assent. At the close of the session, while the matter was under discussion, at the instigation of the Lieutenant Governor, one of the Executive Council, Solicitor General Street, was sent on a secret mission to Downing Street. The object of this mission was to make such representations to the home authorities as would induce them to delay in giving their assent to the civil list bill. The truth of the matter seems to have been that Sir Archibald Campbell and his advisers in New Brunswick thought if they could only gain time, the Imperial Government of England, which had granted such favorable terms to the Province, might be defeated, and a Tory Government would come into power which would speedily undo all their predecessors had done, and refuse to grant any concessions to the Legislature of New Brunswick. There was great excitement in the Province in consequence of the action of the Lieutenant-Governor and this excitement was fairly voiced in the House of Assembly, where an address was prepared representing the condition of affairs to His Majesty, and detailing the manner in which the Lieutenant Governor had sought to thwart the intentions of the Imperial Government. This address was passed by a vote of 27 to 2, the only members of the House who ventured to stand by the man who occupied Government House being John Ambrose Street and William End.

Messrs. Crane and Wilmot were again appointed a deputation to proceed to England with this address of the House of Assembly, and took their departure two days after it was passed, amidst great popular demonstrations by the citizens of Fredericton. The Legislature was prorogued on March 1st, on which day the House of Assembly again requested the Lieutenant Governor to pass the Civil List bill, pointing out that under the arrangement made with the Colonial Office it was his duty to do so, but their request fell upon deaf ears. In the speech proroguing the Legislature, Sir Archibald Campbell stated that he had withheld his assent from this bill because a suspending clause had not been appended to it. These were the last words that Sir Archibald Campbell was destined to speak before a New Brunswick Legislature. Finding that all his hopes of impeding the progress of the Province in the direction of liberty were in vain, he tendered his resignation to save himself from being removed, as he would have been, for his direct disobedience to the commands of his superiors in England. Sir John Harvey, a real soldier, and a man of a very different spirit, was appointed to succeed him as Lieutenant Governor. The Civil List bill was again passed by the Legislature and received the Royal assent, becoming law on July 17th, 1837, and from that time to the present, the Province of New Brunswick has controlled the revenues which it derives from its Crown lands and similar sources, and whether wisely expended or not, the people of this Province have at least the satisfaction of knowing that the money is appro-

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priated by their own representatives, and by a government which is responsible to them for its actions.

The manner in which the money granted by the Province as a consideration for the surrender of the casual and territorial revenue was to be appropriated, was specified in the despatch of Lord Glenelg and was as follows :

Salary of the Lieutenant-Governor	£3,500
Chief Justice.....	950
Three Puisne Judges.....	1,950
Attorney-General.....	550
Solicitor-General.....	200
Private Secretary.....	200
Commissioner of Crown Lands...	1,750
Establishment of Crown Lands...	909
Provincial Secretary... ..	1,430
Auditor.....,.....	300
Receiver-General.....	300
Scotch Minister.....	50
Emigrant Agent at St. John.....	100
Annuity to late Surveyor-General	150
College.....	1,000
Indians.....	54
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Total, in sterling money	£13,393

It will be observed from the above figures that the salaries were arranged on a sufficiently liberal scale, the Surveyor-General alone receiving as large a sum as the three principal heads of departments in the present government of New Brunswick are now paid. The Lieutenant-Governor received about

double the present salary of that official, and the Secretary of the Province was paid almost three times as much as the present incumbent of that office. Those were the days when officers enjoyed enormous incomes and performed but little service for them. In addition to these salaries all the officials, including the Judges, received fees of office which amounted to large sums.

The desire to complete the story of the casual and territorial revenue has carried me to the close of Sir Archibald Campbell's administration. It is now time to resume the regular course of events and go back to the time of his arrival in this Province.

Sir Archibald Campbell arrived at Fredericton on the 7th of February, 1831. He was a distinguished soldier who had served in India and likewise in the Peninsular War, and whose ideas were altogether military. His manners were gruff and distant, and being arbitrary by nature as well as by education, he speedily became unpopular with the people. No Governor of New Brunswick has ever been less in sympathy with its inhabitants, and whatever his merits as a soldier may have been, he was certainly a most unfit man to be placed in the position of Governor of a young and growing colony, whose people were endeavoring to improve their condition and extend their liberties. At the same time it ought to be stated by way of palliation of his conduct, that the books of the Council disclose the fact, that every unpopular measure which he took during the term of his administration, was advised by his Council, who themselves were

inhabitants of the province and ought to have been interested in its welfare. Under these circumstances his despotic conduct becomes more excusable, although he ought to have had discretion enough to understand, that most of the advice he received from his Council was not disinterested and was, therefore, valueless. The Hon. Thomas Baillie, whose conduct as commissioner of Crown lands was being generally complained of, was a member of the Council, and certainly was a very unfit adviser with regard to matters in which he was himself interested. The same disqualification attached itself to other members of the Council although in a less degree. But the custom of sending military men to rule over a colony like New Brunswick, which had been pursued steadily from the beginning, was a very objectionable one and produced unfortunate results. It was not to be expected that men who had spent all their life in a barracks and under conditions where absolute obedience was required, could be made to sympathize with the aspirations of the people of New Brunswick.

During the autumn of this year there was more trouble in the Madawaska district, which arose out of the passing of an act by the Legislature of Maine, incorporating Madawaska into Penobscot County. This bold act of usurpation was done without the authority of the Government of the United States, and indeed in defiance of it. A number of American citizens assembled in Madawaska for the purpose of electing town officers and a representative to the Legislature of Maine. They induced a

few of the more ignorant French to cooperate with them, notwithstanding the presence of a couple of magistrates. Four of the persons, who were leaders in this movement, were arrested and brought to Fredericton for trial. They were found guilty and sentenced to a short term of imprisonment, there being no disposition on the part of the authorities to push matters to an extremity, while negotiations were going on between the two governments with reference to the boundary question.

The Legislature was called together on the 19th of January, 1832. The speech of the Lieutenant Governor referred to the disturbances in the Madawaska district, and the fact that the conduct of the persons concerned in it had been disavowed by the Government of the United States. The principal recommendations contained in the speech were with regard to the adoption of some measure to promote settlement, and the improvement of the militia. With respect to this force, there was a general disinclination throughout the province to spend as many days in drilling the militia as the governor and home authorities thought necessary, and Lord Goderich in his despatches to Sir Archibald Campbell complained of the neglect of the militia. As a matter of fact the militia musters were of little value in training that force, and most people thought them unnecessary because they interfered very much with business and with work on the farm.

Among the measures of the session was an act to incorporate the St. John Water Company, which was the beginning of an improved system of

supplying that city with good water. Before that time, wells were the only resource and as a result much impure water was drunk, to the detriment of, the health of the inhabitants. The trouble was aggravated by the fact that St. John was much exposed to contagion from vessels arriving with immigrants who were diseased. Malignant fevers, such as typhus, a result of bad food and bad sanitary arrangements, were very prevalent, and great difficulty was experienced in meeting the demands that were made upon the local authorities for medical assistance. More stringent quarantine laws were passed and also an act imposing a tax on emigrants which had to be paid by the owners of the vessel which brought them out. This, it was thought, would have the effect of checking the importation of undesirable persons who were liable to become a public charge. A singular thing happened in connection with the legislation of this session. After the legislature had been prorogued, it was discovered that the revenue bill which had been passed imposed duties upon certain articles which had not before been subject to duty and which it was evidently not the intention of a majority of the members to tax. The mercantile classes all over the province remonstrated so strongly against the revenue act that the legislature which had been prorogued on the 9th of March, was called together again on the 3rd of May for the purpose of amending it. This was done and the House after, sitting a few days was again prorogued.

At this time an important change was made in the constitution of the Province, which had a powerful

effect in breaking up the old family compact. This was the separation of the executive from the legislative council which had hitherto been one body. The council, as originally established in the Province, consisted of twelve members who sat as a legislative council, while the legislature was in session, and who, at all times in the year, met as executive councillors and advisers of the Governor. The home authorities had determined to put an end to this evil system. In this instance they seem to have acted without any remonstrances having come from the Province with regard to it, so that when a despatch of December, 1832, announcing the change was made public, it caused some surprise, and produced a good deal of indignation among the members of the old council. The new executive council consisted of five members, the Hon. Thomas Baillie, Frederick P. Robinson, William F. Odell, George Frederick Street, and John Simcoe Saunders. Three of these, Baillie, Robinson, and Odell had been members of the old council and the first two continued to be members of the new legislative council, Mr. Odell being dropped from the list. All the judges were excluded from the new legislative council with the exception of Chief Justice Saunders, but in their places, Joseph Cunard, William H. Robinson, John Simcoe Saunders, and James Allenshaw were appointed. The change was a great improvement, particularly the exclusion of the judges from the council. The Chief Justice, who alone of the judges remained in the legislative council was President of that body and on his death, the new Chief Justice,

Ward Chipman, was called to the Council and became its president. He was the last judge who sat in a legislative capacity in this Province, and he ceased to sit in 1842. This change was very disagreeable to many of the older members of the Council who looked upon it as one which lowered their rank and which would probably interfere with their chances of succeeding to the administration of the government in the absence of the Lieutenant Governor. They at once began a correspondence with the Home authorities on the subject, which extended over two or three years. At first the latter settled the question of precedence by giving the higher rank to executive councillors, but, after some more correspondence this was changed by the date of their appointment. The Colonial office insisted on giving the succession to the administration to members of the executive council. Finally this was changed before Sir Archibald Campbell's removal from the Province, by reverting to the arrangement which existed during the war with the United States which made the senior military officer administrator in the absence of the Lieutenant Governor. This arrangement continued until the confederation of the Provinces in 1867.



CHAPTER XXVIII.

WHEN the Legislature met in January, 1833, the people of the Province were under a great apprehension of the coming of the cholera. This dread disease had reached Quebec in 1832, being carried there by some ships which brought out immigrants, and as ships with immigrants were constantly arriving at St. John and Miramichi, there was great fear lest the cholera should reach this Province. In the summer of 1831, a woman had died suddenly in one of the settlements on the Nashwaak, with every symptom of Asiatic cholera, but this was a solitary case and no other appeared. In his opening speech the Lieutenant-Governor referred to the anticipated visit of cholera, and asked the legislature to take effective means to meet the disease. Fortunately the cholera did not appear at that time, although the legislature was prompt to meet the desires of the Governor in this respect. Acts were passed to prevent the importation and spreading of infectious diseases, and for the establishment and regulating of boards of health in the several counties.

Among the acts of this session was one for the incorporation of the New Brunswick mining company. Among the persons incorporated by this act, were most of the leading citizens of the Province, headed by Chief Justice Saunders. The object of

the company was to work the coal mines of Queens county, but strange to say, the residents of the coal mining district of that county, petitioned against the act, on the ground that it would interfere with their private rights, The act was passed in spite of their remonstrances, but the gentlemen who were thus incorporated and who subscribed to its stock, were not enriched by its operations. There was not the same market then for coal that there is at present, nor the same facilities for conveying it from the mines, and the product of the Grand Lake region was at that time, exposed to the competition of coal brought from Great Britain as ballast, by the ships which carried back timber and deals.

The most important business of the session was the appointment of a committee on grievances, consisting of seven members, who were required to enter into an investigation of all grievances, with power to call for the attendance of witnesses and the production of papers. The members of the committee were Messrs. Kinnear, Simonds, Chandler, Partelow, Taylor, Weldon and Wyer. This committee made two reports during the session, and prepared an address to His Majesty on the subject of grievances, which was accepted by the House. It dealt largely with the casual and territorial revenue; the improper manner in which the Crown land department was managed and the collection of quit rents, but its most important recommendation was that in favor of sending two members of the House of Assembly to England to lay the petition of that body at the foot of the throne. The two gentlemen selected for this

important mission were, Charles Simonds and Edward B. Chandler, men who had taken a prominent part in a discussion of the important question with which they had to deal. The delegates arrived in England in the early summer of 1833, and immediately placed themselves in communication with the Right Hon. E. G. Stanley, who was then colonial secretary. The subjects which they had to bring to the attention of the colonial office were, the condition of the Crown land department; the post office; the difficulties between the Provincial revenue officers and the Custom House officers appointed by the British Government; the duties on tea, wine, molasses; the duty on British manufactures and the state of Kings College. With regard to the latter, they urged that such alterations might be made in its charter as would make the institution more generally useful and in accordance with the wishes of the people. The College was unpopular in consequence of the narrow nature of its constitution, which placed the control of it in the hands of one denomination to the exclusion of all others. With regard to the Custom House it was complained that unpleasant collisions took place between the officers of the Customs and the officers of the Provincial revenue. Instances had occurred of seizures by the officers of His Majesty's Customs, of articles which had been previously seized by the Provincial revenue officers and condemned. Reference was also made to the Royal instructions which prevented the imposition of duties on British manufactures and made it impossible for

the Province to collect any revenue from such goods as were made in the mother country. It was also stated that duties were collected at the several Custom houses in New Brunswick, upon wine, molasses, coffee and pimento, under the authority of acts of Parliament passed in the reigns of George II. and George III., amounting to upwards of £1,000 annually, which were not accounted for to the Legislature, and it was not known to the House of Assembly by whom and to what purpose these duties were applied. This was a singular disclosure, for it had been generally understood that the question of parliamentary duties had been settled by the act of George IV., which placed the proceeds of these duties under the control of the Legislature. There were several other subjects dealt with by the delegates which have ceased to be of public interest and which were embraced in the general question of the casual and territorial revenue, the conclusion of which has already been related.

The answer of Mr. Stanley to the representations of the delegates was a lengthy one, but not very satisfactory. It abounded in those generalities which are the delight of heads of departments who desire to do nothing. The delegates were told that the proceeds of the old parliamentary duties of which they complained, were remitted to the exchequer in England in aid of the expenses incurred for the defence of the British Colonies in North America. With regard to Kings College it was stated that the British Government would be ready to consider such modification of the charter as would

appear to be generally desired, and which would render its provisions less exclusive, and leave the professorships open to all denominations of Christians. Almost the only satisfactory feature of Mr. Stanley's answer was the statement that the British government would assent to acts imposing reasonable duties on goods of British manufacture, where such duties were merely for the purpose of raising a local revenue, and not with the object of favoring rival manufactures, foreign or domestic. The apparent results of the mission of the delegates to England, except as to the casual and territorial revenue, were not great, but there is no doubt that the changes which afterwards took place in the policy of Great Britain with reference to New Brunswick was largely due to the work done by this mission. The seed had been planted from which was to be gathered in future years a crop of valuable reforms, the attainment of which has already been described.

The report of the delegates was placed before the legislature, which met in February, 1834, and Sir Archibald Campbell in his opening speech, dealt with the state of the finances of the Province which were unsatisfactory, the result of a bad system, the payments for the public services being always in arrears and warrants on the treasury being sold at a discount because the treasury was unable to cash them. This was certainly a matter which required amendment but it was difficult, under the existing system, to make the receipts and expenditures balance so as to maintain the public credit. An effort was made in this direction by the

legislature, by the passage of an act to provide for the payment of interest on warrants which were not paid at the treasury on demand. An act was passed to increase the representation of the counties of Carleton, Gloucester, and Kent, giving to each of these new counties two members. Another act was passed for taking an account of the population of the Province. The census, which was taken in the course of the summer, showed that the population had reached a total of 119,457, which was an increase of 45,281 over the population of the previous census taken ten years before. As the natural increase of the population would probably not exceed 20,000 during these ten years, the additional 25,000 must be put down to the credit of immigration. These immigrants who all came from Great Britain and Ireland to found homes in New Brunswick, had no ambition but to prosper by the labor of their hands. They were accustomed to habits of industry in their own country and they brought these habits with them to New Brunswick. Many of the families in the Province who are now prominent can trace their origin to the immigrants of that period. The largest increase of population had taken place in the territory which was all comprised in the county of Northumberland in 1824, but which was, in 1834, divided into three counties. This increase amounted to 9,695. The county of St. John had increased by 7,761 in the same period, and the increase of the territory which was included in the county of York in 1824, was 8,999. The city of St. John had attained a population of 12,885, and the parish of Portland,

which was virtually a part of the city, had now 5,077 inhabitants. It was evident that the growth of the Province had been most satisfactory during the decade, and this growth extended to every county except Sunbury, where the increase was only about equal to the natural increase of population.

A singular circumstance occurred this year in connection with the appointment of the mayor of St. John, who instead of being elected by the people, as at present, was appointed by the Lieutenant Governor. The Hon. William Black, a member of the Legislative council, had been appointed mayor in 1832. He had been president of the Province, and as it was usual to retain a satisfactory incumbent in office for several years, he naturally expected to be re-appointed in 1833. But during his incumbency a person named Thomas Heaviside, who had come to the Province from England and who filled a number of responsible positions, such as secretary of the Savings Bank and acting collector of customs of St. John, became a defaulter and fled from the Province. The sheriff took possession of his property, and among his papers was found a book from which it appeared that the Hon. William Black, who had appointed Mr. Heaviside acting collector of customs, while he was administrator of the Government, had participated in the emoluments of the office. This was brought to Mr. Black's attention by the Lieutenant Governor and he was requested to give an explanation. The explanation was given, but it appears not to have been

satisfactory to the President of the council, for Mr. John M. Wilmot was appointed mayor in Mr. Black's place. Mr. Heaviside's defalcation was the first that had taken place in the Province, and it caused a very considerable sensation. The trustees of the Savings Bank lost upwards of £1,000 by it for which they were subsequently indemnified by the Legislature.

The House of Assembly which had been elected in 1830, was giving Sir Archibald Campbell a great deal of trouble, and he was glad of an excuse to get rid of them. He found one in the passage of the act giving an additional member to the counties of Carleton, Gloucester and Kent. But if he expected to obtain a House of Assembly that would be more subservient to his despotic views than the one elected in 1830, he was destined to be greatly disappointed. The House was dissolved on the 27th of November, 1834, and the elections took place immediately. In the contest that ensued, not one of the leading reformers of the House was defeated, and some important additions were made to their numbers. The most notable of these were Lemuel A. Wilmot for the county of York, and Daniel L. Hanington for the county of Westmorland. Mr. Wilmot was a young lawyer who was rising into notice by his ability in the conduct of cases at nisi prius. He was destined to become the most eloquent advocate of the rights of the people that this province ever had, and to acquire a fame as a speaker which extended beyond the boundaries of his native land. Mr. Hanington was a man of considerable ability and force of character, a

staunch liberal, and one who did splendid service to his party when the question of confederation came up for decision at a later day. It would have been much better for the comfort and happiness of the Lieutenant Governor if he had allowed the old house to live out its allotted term.

The Legislature was called together on the 20th of January. The speech of the Lieutenant-Governor was a very brief one and contained nothing of importance, except a reference to the roads and the necessity for their improvement. The principal act of the session was the one providing for the Custom house establishment. An act was also passed incorporating a company for the erection of a bridge across the St. John river near the city of St. John. This was a measure which had long been discussed and which was felt to be necessary as St. John was cut off from access to the Western part of the province. Its feasibility had been demonstrated to the satisfaction of its promoters, and arrangements had been made to borrow money from the surplus funds of the Province for the purpose of completing it. Unfortunately the engineering skill employed was not adequate to the completion of this work, and the result was the collapse of the structure which had been in part erected, and the loss of a number of human lives.

The new legislative council did not show itself much superior to the old as a legislative body, indeed it contained too much of the old leaven to be quite satisfactory. At this session it again rejected the appropriation bill, so that when the legislature was prorogued, the Province was left without any

means of paying for its public services. The excuse for this was, that the bill contained a grant which was not concurred in by the Council, but sent up in the form of a resolution of appropriation, and it was claimed that to consent to this bill would be an invasion of the right of free deliberation by the Council, which could not be submitted to without sacrificing the principles of the constitution. The item referred to was one providing for the payment of the speaker and members of the House of Assembly. The Council had also rejected the grant to the clerk of the Council, and the grants to the clerks of both Houses. Apparently the reason why the Legislative Council adopted this course, was the refusal of the House to provide for the expenses of the members of the Council. The Council also complained that their clerk and clerk assistant were not paid as high a rate as the clerk and clerk assistant of the House of Assembly, and they showed their resentment by rejecting the appropriation for both. The result of this inconsiderate conduct was, that in the following June, the Lieutenant-Governor found it necessary to call the legislature together again for the purpose of passing an appropriation bill. The appropriation bill which was passed, was substantially the same as the one that had been rejected by the Council, but the provision for the payment of the speaker and members of the House was placed in a separate bill. Some other business of an unimportant character was transacted, and the House was prorogued on the 23rd of June, after sitting six days. It is impossible to justify the Council for their conduct on this occasion, which

was marked by an utter disregard of the public interests. The Province was put to the expense of another legislative session, and a vast amount of inconvenience was caused to all who had transactions with the Government, merely to gratify the spite of a majority of the members of the Council. In this, as in many former instances, it was shown that the possessor of power without responsibility, does not tend to promote good government or enlightened legislation.

The Legislature met again on the 20th of January, 1836. In his opening speech the Governor was able to congratulate the House on the happy and prosperous condition of the Province. He also announced the confirmation of the act to provide for the custom house establishment and the agreement of the home Government to the terms proposed for relinquishing the quit rents. At this session the growing spirit of enterprise in the Province, was shown by the passage of numerous private bills for the incorporation of companies of various kinds. Two new banks were chartered, and the capital stock of two of the existing banks was increased. This session also witnessed the first railway legislation of the Province, by the incorporation of companies for the purpose of building two important lines of railway. One of these was for the construction of a line from St. Andrews to Quebec, a project which had been in agitation for some time, but which has not yet been realized, although the line was built in the course of time as far as Richmond and has since been incorporated in the Canadian Pacific.

Railway. The project was too great a one for the means of the Province at that time and local causes contributed to prevent it from being carried out. One of these was the establishment of the boundary line under the Ashburton Treaty, which gave to the State of Maine a portion of the territory through which the St. Andrews and Quebec railway was intended to pass. The capital of the company was put down at the sum of £750,000, to be divided into thirty thousand shares, but it is almost unnecessary to say that this large sum was not subscribed.

The other railway act was one to incorporate a line from St. John to Shediac. This was a project which was much favored in the City of St. John, because it was thought, that by its means the trade of the Gulf Shore of the province would be brought to that city. The capital stock of this company was put down at £150,000 or about one-eighth of the amount which it finally cost to build and equip this important line of railway. The people of New Brunswick in the year 1836 knew very little about railways or the cost which they entailed, and they had to pay for their ignorance at a very high rate, in future years. The St. John and Shediac railway was finally built by the province and was completed in 1860, at a cost which did not fall far short of \$5,000,000. The completion of this road was a stupendous enterprise, considering the financial resources of New Brunswick at that time. The road was run by the government until confederation, and it was found to be of great value to the province, not only for the purpose of bringing the

north shore counties in communication with St. John, but also for the promotion of traffic between St. John and Kings and Westmorland. The whole country along the line of this road was rapidly developed by means of it, and the farmers of Kings and Westmorland were given a good market for their products. Although it did not yield large dividends to the government, it paid something above the sum required for its maintenance and running expenses, and probably in the course of time would have proved a good investment for the province. By the terms of confederation it passed into the hands of the government of Canada and it is now a part of the Intercolonial Railway.

The Legislature was called together on the 20th of December, 1836, for the purpose of placing before it the despatches respecting the surrender of the casual and territorial revenue, and the House did not rise until the 1st of the following March. This was the last time that Sir Archibald Campbell met the House of Assembly of New Brunswick, and it would have been better for his reputation if he had taken his departure from the Province before. His efforts to prevent the intentions of the Imperial Government with reference to the casual and territorial revenue being carried out have already been related, and it is certainly most extraordinary that he was able to find in the Province of New Brunswick, men who were willing to aid him in his efforts to deprive the people of this Province of the benefit of the revenue of their own lands. His correspondence

with the home government discloses the fact that he was on very intimate terms with the Hon. Thomas Baillie, who was commissioner of Crown lands. Baillie was a native of Ireland and had been a subaltern in one of the regiments of the line. He was appointed Commissioner of Crown lands in February, 1824, during the administration of Lord Liverpool, and he seems to have been supported in England by some extraordinary influence, for there was the greatest reluctance on the part of the home authorities to do anything that would interfere with his emoluments. In August, 1833, the Right Hon. E. G. Stanley, who was Colonial Secretary in a Whig administration, in his report on the grievances laid before him by the New Brunswick delegates, wrote as follows, "the salary of the Commissioner is perhaps higher than it ought to be, having reference to the general scale of salaries within the Province, but there are peculiar circumstances in Mr. Baillie's case, which would render it scarcely just to reduce his emoluments during his period of office." What were these peculiar circumstances which rendered a Whig Government so tender towards a man who had been appointed by a Tory administration nine years before? This question can probably never be answered, but we know that in Great Britain at that time, family connections had a great deal more to do with appointments to office, than merit. The returns made by Mr. Baillie himself, which were laid before the House of Assembly, showed that he was receiving upwards of \$10,000 a year from the Crown land department, but it was the opinion of

those who looked into the matter at that time, that his emoluments, legal and illegal, amounted to at least double that sum. In fact, Mr. Baillie was a wealthier man and made a greater display than the Governor himself. No resident of New Brunswick at the present day, keeps up such style of living as he was able to indulge in. The common people looked with awe on this great potentate who was able to coerce and control every man who was engaged in the leading industry of the Province, and who was drawing a princely revenue from the Crown lands, which ought to have gone into the public treasury. Mr. Baillie was so fond of style, that he even attempted to put the employees of the Crown land office into uniform, and some of the handsome buttons which he provided for these uniforms, stamped with the name of the Crown land department upon them are extant at the present day. The employees rebelled against this effort on the part of the Commissioner to put them in livery, but the fact that such an attempt was made, shows the bent of Mr. Baillie's mind.

The House of Assembly acted a very able and manly part in its defence of the interests of the Province against Sir Archibald Campbell, in connection with the Crown lands question, and the resolutions which it placed on the journals, censuring his conduct, will stand forever as a testimony against him. It is pleasing to know that these resolutions appear to have been passed unanimously. At all events the journals do not show that there was any division upon them, and the address to the King which followed them,

complaining of the conduct of the Lieutenant Governor, had only two opponents in a House of thirty members. These were John Ambrose Street, a brother of the solicitor general George F. Street, who had been sent by the Governor to England to oppose the bill, and William End, one of the members for Gloucester, a man of no principle, who took the side of those in authority because he thought it would be to his own personal advantage. In the long list of those who voted for the address are several who were afterwards prominent as conservatives in the House of Assembly, and opponents of responsible Government, but who on this occasion took the patriotic course of standing up for the rights of the people against the Governor. Sir Archibald Campbell was compelled to resign his position in consequence of his intrigues with regard to the casual and territorial revenue, and his last appearance in the council was on the 20th of May, 1837. On the first of June Sir John Harvey was sworn in as Lieutenant Governor. This gentleman who had been transferred from Prince Edward Island to New Brunswick, was an officer in the army like his predecessor, but a man of a very different character. Sir John Harvey had served in Canada during the war of 1812, and therefore understood the character of the people of the British North American colonies much better than a military man could, who had never been in any other colony but India. In that war Sir John Harvey, had proved himself a gallant soldier, and it was owing mainly to his ability and courage that the great victory of Stony Creek was

won, which resulted in the capture of both American generals. Sir John was a man of less ability than Sir Howard Douglas, but he was quite as zealous for the good of the people whom he was called to govern, and no man who ever filled the position of Lieutenant Governor in this Province has left more kindly memories behind him. He continued to be Lieutenant Governor for four years with universal acceptance, and afterwards became Lieutenant Governor of Nova Scotia, where his popularity was as great as it was in this province.

The first business which engaged the attention of the new Lieutenant-Governor was, the calling together of the Legislature for the purpose of completing the legislation necessary for the transfer of the casual and territorial revenue to the Province. The House met on the 6th of July, and its work was done on the 20th of the same month, upon the passage of the act for the support of the Civil Government in the Province. The other acts passed at the second session of the Legislature which was held that year, were not of much public importance, but a glance at the statute books, discloses the fact that there was great activity in many lines of enterprise. Numerous companies were incorporated for the purpose of carrying on milling, coal mining, manufacturing, whale fishing and other industries on a large scale. A new bank was also incorporated with its head quarters at St. Stephen, and provision was made for the establishment of a branch of the Bank of British North America in this Province.

The crops of the year 1836 had failed to a large extent, and there was a considerable amount of

distress, especially in the up river districts. It became necessary for the Legislature to make an appropriation for the relief of those who were suffering from a lack of the necessaries of life. The business men of the Province had suffered many losses in consequence of failures in England, and the times were so bad that the Chief Justice thought it necessary to refer to the matter in his charge to the grand jury. He said that the Province was laboring under a severe pressure and embarrassment which appeared to pervade the whole commercial world, the great staple articles of the trade of the Province, the produce of the forests, remaining in hand or sold in the market, without affording any returns to the lumberman, for his labor and enterprise. The Chief Justice attributed this universal derangement to those unlimited habits of speculation and the inordinate thirst for gain which he thought was a characteristic of that age. He thought that this should serve as a warning, and should turn the attention of the people to the cultivation of the soil. This no doubt was good advice, but certainly the lumber business was worthy of being attended to, and no small part of the misfortunes of the lumbermen, were due to the exactions of the Commissioner of Crown lands who had received the support of all Chief Justice Chipman's friends.

After the prorogation of the Legislature, Sir John Harvey proceeded to make himself acquainted with different portions of the province, giving his first attention to the up river districts and to Madawaska, where there were already indications of more trouble arising out of the disputed boundary.

During the summer the news arrived of the death of King William IV, a monarch who, although perhaps of no better character than his predecessor George IV, has claims to be remembered as the King in whose reign the great reform bill, which has been called the second charter of English liberty, was carried. A Whig government was in power in England during almost the whole of his reign, and to this fact is due the success which New Brunswick had, in obtaining what it demanded with respect to the Crown land revenues and other matters. The King himself was no reformer, and he was surrounded by persons who were extremely hostile to every change for the benefit of the people. Among these were his sister, the Duchess of Gloucester, his brother the Duke of Cumberland, the most worthless of the sons of George III, and his wife, a German princess, "Our hideous Queen," as Charles Greville calls her in his diary. The King was much opposed to giving up the control of the Crown lands to the colonies, but his opposition was not steady, although violent at first, and he yielded to pressure. It was an era of reform in England, and the beneficent influence of this feeling extended to the colonies. Among the best friends of New Brunswick in England at that time, was no less a personage than Lord Glenelg, the head of the colonial office. This nobleman met our delegates in a fair and friendly spirit, and the people of New Brunswick felt themselves greatly indebted to him for the success of their efforts with reference to the casual and territorial revenues. They showed their gratitude by voting that his


portrait should be purchased, at the expense of the province, and placed in the House of Assembly room, and there it remains to this day, as a testimony of his eminent services to a province which he never visited, but where his name is held in kindly remembrance.

During the autumn the province was much agitated by the troubles in Canada, which resulted in a rebellion in both provinces. This is not the place to relate the history of the Canadian rebellion which, although vigorously condemned by the loyal people of New Brunswick, was not brought about without some sufficient cause. Whatever we may think of the conduct of the rebels in resorting to the sword to redress what they conceived to be their grievances, it cannot be denied that the grievances existed, and there is no doubt that the rebellion had a good effect, in directing the attention of the British people to these grievances, so that they were redressed. Nevertheless when the news of the troubles reached New Brunswick there was but one feeling among the people, and that was that the Government must be supported. Loyal addresses poured in from every county in the Province, from all the national societies, and from the city of St. John, and all the militia in the Province offered their services to assist in keeping down the rebellion. This loyal spirit was creditable to the people, and received a due acknowledgment from the home authorities, whose perplexity for the time was great. The extent of the trouble was naturally magnified, and all the available forces at the command of the of the British government, were got ready to be sent

to Canada. All the troops in New Brunswick, and Nova Scotia were immediately forwarded to Quebec, their places being taken by the militia. As it was December when these orders were received, the troops had to march through Fredericton to Canada, by the same route that had been followed by the 104th Regiment in the year 1813. The 34th, 43rd, 65th and 85th Regiments, besides a body of artillery, went through to Quebec in this way, but they experienced none of the difficulties which had been felt by the 104th as the road was so much improved that most of the way they were able to be carried on sleds. The average time occupied in transit was twenty days. The rebellion was speedily put down in both Provinces, and since that time Canada has been the most loyal colony of the Empire.



CHAPTER XXIX.

HE death of the King made it necessary to hold another general election, and the elections took place in the Autumn of 1837. The new House contained all the members who had been prominent in the cause of reform, with the exception of Mr. Chandler, who had become a member of the legislative council. This was unfortunate both for himself and for the interests of the province, for in that body, of which he continued to be a member for about forty years, he had not the same opportunities of benefiting the country by his abilities as he would have had if he had remained in the House of Assembly. But another member appeared as a representative of the county of York, who fully made up for Mr. Chandler's absence. This was Charles Fisher, who afterwards rose to the highest positions in the Province, and who was the ablest advocate of reform that New Brunswick ever had. Other men may have surpassed him in eloquence, but none had a greater acquaintance with constitutional law, or a more ardent desire to have the constitution of the Province made to conform to the wishes of the people. Both Mr. Fisher and Mr. L. A. Wilnot were born outside of the charmed circle, which included the wealth and aristocracy of the Province. They had none of the advantages of high birth or

influential connections; their attempts to put themselves forward as champions of the people were resented by the magnates of that day but New Brunswick owes them a debt of gratitude which it can never repay. Although they were not without human weaknesses their championship of reform, and their efforts on behalf of responsible Government, entitle them to be always remembered with gratitude and affection.

The Legislature met on the 28th of December. The Governor stated that he had called them together thus early for the purpose of inviting their attention to the state of the neighboring province of Lower Canada, so that the people of New Brunswick might be in a position to give their active support to the Royal authority if it should be required. The reply of the House to his Excellency's speech was as hearty in its loyalty, as he could have desired, and it was followed up by corresponding legislation. A new militia act was passed which gave the Governor authority to enroll 1,200 rank and file from the militia regiments of the Province, each of whom was to receive a bounty of £5. The members of this force were to be subject to the provisions of the mutiny act, and might be called upon to serve in any part of the British North American Colonies. In the event of this body of militia being removed from the Province, in the absence of the Queens troops, the Lieutenant Governor, was authorized to call out such militia as he deemed necessary for garrison and other militia duty. The bounty money, for the embodied militia, was to be paid out of the

provincial treasury, and also the pay of the militia serving in the Province, called out for provincial duty, but those who served outside the Province were to be paid by the British Government. Fortunately none of the militia were required to serve beyond the limits of the Province, but a number of them did garrison duty in the absence of the regular forces. It is worthy of notice that this act of the House of Assembly, which was limited to two years, was the means of providing a force which became available for the defence of the frontier of New Brunswick, during the boundary troubles of 1838 and 1839.

Under the original constitution of the Province, the Lieutenant Governor filled the office of Chancellor, and was supposed to hear and determine suits in equity. This arrangement was found to be inconvenient, because it was necessary for the Governor to have one of the Judges of the Supreme Court to assist him in his judicial functions. An act was passed at this session of the Legislature, authorizing the appointment of an additional judge to be called the Master of the Rolls, who was to exercise the same authority in the Court of Chancery in this Province, that the Master of the Rolls has in England. The first and only Master of the Rolls appointed under this act was the Hon. Neville Parker, who received his commission in March, 1838. By an act passed in 1854, the Master of the Rolls became one of the judges of the Supreme Court, and all the judges were invested with jurisdiction in equity.

At this session notice was received of the confirmation of three acts which had been previously passed with a suspending clause. One of these was for shortening the number of days during which an election could be held, and for designating the places where the sheriff was required to hold a poll. Under this act elections were limited to eight days, and it was impossible for the sheriff to act, as Sheriff Miller of York had done a few years before, when he refused to hold a poll anywhere else but in the city of Fredericton, although this involved the necessity of voters who lived in the upper part of the county of York, travelling about 150 miles to enable them to exercise the franchise. Another act continued the House of Assembly for the period of six months after the demise of the Crown. This was to remedy the inconvenience that was felt from the mere fact of the demise of the Crown dissolving the House, and leaving the Province without a Legislative body, at a period when it might be necessary for it to be called together. Since then Legislation has been passed which continues the existence both of the British parliament and the Colonial Legislatures, notwithstanding the demise of the Crown. By another act, a portion of the county of Gloucester was erected into a separate county under the name of Restigouche, with the right to send one member to the House of Assembly.

The transfer of the casual and territorial revenue to the Province, placed the surplus funds of many years, amounting to about £150,000, at the disposal of the legislature, and put the Province in an

excellent financial condition. The people of New Brunswick had reason to congratulate themselves on what had been achieved in the direction of good government. They had obtained control of the Crown lands of the province and were able not only to appropriate the revenues arising from them, but to designate in what manner these lands should be managed. They had been able to obtain for the province the control of the customs revenues which were collected under parliamentary acts, and to reduce the salaries of the officials who collected them, to a more reasonable scale than had prevailed before. They had succeeded in obtaining legislation, giving the right to solemnize marriages to the ministers of all denominations of Christians, and they had removed from the statute book the obnoxious laws which prevented persons of the Roman Catholic Church, from filling public offices or holding seats in the legislature. They had also secured the separation of the executive council from the legislative council, a measure of reform which deprived the council of a great part of its power to do evil by retarding the progress of useful legislation. But although all this had been achieved, much more remained to be done before the province could be said to have a constitution which gave the people control of its affairs. There was an executive council but this council was not in any way responsible to the people. The first executive council, appointed in February, 1833, did not contain a single member who had a seat in the House of Assembly. The heads of departments, such as the surveyor-general, the Provincial secretary and the attorney-

general, were not required to have seats in either branch of the Legislature. They were responsible not to the voters of the Province, but to the Lieut.-Governor, who made and unmade them at his pleasure. All these evils were apparent to those who made a study of the British constitution, which the constitution of New Brunswick was supposed to resemble, and there were men in the House of Assembly, such as Charles Fisher and L. A. Wilmot, who were determined that executive responsibility should be introduced in this Province, as it was in the mother land. These men were more advanced in their views than many of their colleagues, such as John R. Partelow, who had done excellent service in the work of obtaining for the Province the control of the casual and territorial revenues. But when the agitation came for responsible government and all that it implies, men like Partelow held back because they considered that the existing system worked well enough, and that it gave them advantages that they would not have enjoyed under responsible government. Thus it was that the reform party in the House of Assembly was weakened at the very time when it ought to have been strengthened, and the hands of reformers like Fisher and Wilmot were tied, because they could not command the support of a majority in the House of Assembly. Many reasons contributed to check responsible government. The principal one perhaps was the selfishness of members, who were unwilling to surrender the initiation of money votes, into the hands of the executive. This was reasonable enough, so long as the executive Council was not composed of men.

owed their positions to the support of the House of Assembly, but with a properly constituted executive, the initiation of money grants should have been surrendered as a matter of course. Under the existing system, it was almost impossible to keep the expenditure down, for where every member had the right to move a grant of money, a system of log-rolling was introduced, under the operation of which, money was granted, not on the merits of the claim, but because those who voted for it expected the mover of the grant to vote for their grants when their turn came.

The Legislature again met on the 15th of January, 1839. Sir John Harvey, in his opening speech, dealt with many topics of importance, and suggested many improvements with respect to roads and other matters in connection with the internal economy of the Province. He referred to the attacks which had been made upon the neighboring province by armed bands of marauders from the United States, and advised that improvements be made in the militia law for the purpose of adding to its efficiency. He stated that he had caused several volunteer companies of militia artillery, to be formed, and placed under the direction of an experienced militia officer, and he advised that the commander-in-chief be empowered by law, to form the several companies of militia artillery, and those of the sea fencibles, into battalions, at his discretion. He advised that greater encouragement be given to agriculture, and that a system of bounties, properly guarded, should be created for the benefit of the fishermen. Sir John Harvey's suggestions were

always well received by the legislature, and the militia law was amended, and in the manner he advised. *

One of the most important acts of the session, was to provide for the prompt payment of all demands upon the provincial treasury. Up to that time the fact that a man received a warrant on the treasury in payment of his claim, by no means implied that he would speedily be in possession of the money. The treasury might be, and frequently was, out of funds and holders of warrants had to wait their turn, and sometimes took payment in instalments. This was so much the case, that treasury warrants were sold at a discount, being purchased by capitalists, who took care to exact a sufficiently high rate of interest. By the act referred to, the provincial treasurer was authorized to make arrangements with some one of the banking institutions of the Province, for the purpose of obtaining money with which to pay off all treasury warrants. This plan greatly improved the credit of the Province and had the best effects in enabling it to obtain what money it required, on the most favorable terms. The same system has been followed until the present time, so that a man with any legal claim on the provincial treasury, can always be certain of having it promptly paid.

While the Legislature was in session information was received of recent attempts on the part of the State of Maine to take possession of the disputed territory. The Legislature of Maine had from the first displayed a very truculent spirit with regard to this question, and endeavored to force the

Government of the United States into a position of direct hostility to Great Britain. If the people of Maine had been allowed to have their own way, there would have been a war between the two nations, and the result might have been such as to reduce the territory of Maine very considerably, for, at that time, the state had no good means of communication with the Madawaska district, and any contest waged in that quarter, between Great Britain and the United States, would have been greatly to the disadvantage of the latter. In 1837, the Governor of Maine sent a person named Greely to the disputed territory, for the purpose of taking a census of the people of Madawaska, under the claim that they were citizens of the United States. Sir John Harvey at once communicated with the Governor of Maine, remonstrating against this conduct, and he sent one company of the 43rd Regiment to Woodstock and another to Grand Falls, to support the authorities against any lawless incursion from the other side of the line. They took with them 500 stand of arms and a supply of ammunition, which, in case of necessity, was to be placed in the hands of the militia volunteers.

The next move on the part of the Governor of Maine was to send 200 armed men into the Madawaska district on the Aroostook River, with the avowed purpose of driving off persons who were stated to be cutting timber there. The British subjects in that vicinity showed a disposition to take up arms and repel the invaders, but Sir John Harvey issued a proclamation, forbidding any

hostile steps and assuring the people that he would take proper measures for the protection of the Province. As it was learned that some persons from the county of Carleton were going into the disputed territory for the purpose of cutting timber, in defiance of the orders of the Governor, James A. McLauchlan, the warden of the territory, was instructed to follow them and put a stop to their proceedings. Sir John Harvey also communicated with the British minister at Washington who laid the facts before the Government of the United States. That Government was not as prompt to act as it might have been, and rather seemed to justify the conduct of the Governor of Maine. The latter denied the claim put forward by Sir John Harvey and the British minister, that an agreement existed that Great Britain was to retain possession of the disputed territory until its ownership was determined. This was a vital point, if it was the object of the Government of the United States to prevent the difficulties leading to a war, for with a disputed jurisdiction and a reckless Governor, backed by an equally reckless people, there was no saying to what result these difficulties would lead. The New Brunswick timber cutters, who were most concerned to repel the invasion of the Maine militia, armed themselves and surprised Mr. McIntire who was at the head of the American party, carrying him off to Fredericton. Mr. McLauchlan, the New Brunswick warden, was seized by an American party, and conveyed a prisoner to Bangor. The Governor of Maine sent a warlike message to the Legislature and obtained

authority to order out 8,000 militia, and a vote of \$800,000, to assist to obtain possession of the disputed territory. Before the middle of February 600 more Maine militia men had been sent to the border and they began to erect fortifications. Sir John Harvey sent a special messenger to Quebec, to give information as to what was going on to Sir John Colborne, who immediately ordered the 11th Regiment and a body of artillery to march to Madawaska. The Legislature of Nova Scotia was in session at this time, and it passed a series of resolutions, expressing the utmost indignation at the attempts to seize the Madawaska territory, and authorized the Governor to call out one-third of the militia force of the Province to the extent of 8,000 men. It also voted the sum of £100,000 for the payment of this force to assist in the defence of New Brunswick. These proofs of the sympathy of the sister province were extremely gratifying to the people of New Brunswick, and received the cordial thanks of the Legislature. That body placed the entire resources of the Province in the hands of the Lieutenant Governor for the purpose of resisting the threatened invasion.

Sir John Harvey called out for active service 850 of the militia which were held in readiness to march to the scene of action. These were made up of drafts from several militia battalions. This force was sent to Woodstock, to be held in readiness for any emergency, but fortunately their services were not required. The Government of the United States began to see that matters were becoming serious, and that it would hardly be prudent to allow itself

to be dragged into a war with Great Britain in consequence of the lawless action of the state of Maine. Major General Winfield Scott was sent to Maine for the purpose of taking command of the troops in that state, and he was especially charged with the duty of maintaining the peace and safety of the northern and eastern frontier. General Scott was a distinguished soldier, who knew what war was, for he had taken part in the war of 1812, and afterwards commanded the troops of the United States in the Mexican war. He immediately made a proposition to Sir John Harvey, that the Governor of Maine would at once withdraw the military forces of the state from the disputed territory, leaving only a small civic posse under a land agent, to protect the timber recently cut and to prevent further depredations. This proposal was assented to by the Governor of New Brunswick in a letter to General Scott, in which he conveyed to him the assurances of his warmest personal consideration, and so the Aroostook War, as it has been termed, came to an end. It was an event which might have had serious consequences and if it had resulted in a war between two nations of common origin who should always be friends, the Governor and legislature of Maine would have been responsible for this outrage on civilization. Their conduct was wholly without excuse, but it was quite in line with that of the men in the congress of the United States who forced on the war of 1812. There are no people so ready to do battle and to embroil nations as those whose position would exempt them from military service, and who are not likely to feel any of the

personal inconveniences of a war. If those who are the strongest advocates of war were always compelled to march in front of the armies, we would hear less of warlike resolutions from congresses and legislatures. In one respect the Aroostook war did good, for it cemented the feeling of a common nationality between the Provinces of New Brunswick and Nova Scotia, and brought them into closer sympathy with each other. It also illustrated the patriotic feeling of our own people, and proved that they were at all times ready to maintain the authority of Great Britain, and to defend the flag under which they lived.

Although there was no more danger of an armed collision over the boundary question, the conduct of the Governor of Maine in stirring up strife, had a tendency to produce strained relations between the two governments. He kept a force of 200 armed men in the Aroostook territory, who proceeded to build what was virtually a fort armed with cannon, a result which certainly was never contemplated under the arrangements made between General Scott and Sir John Harvey. Hearing that the British authorities had a force of regulars at Temiscouata Lake for the purpose of guarding the approach to Canada, he magnified the two companies stationed there into two regiments, and complained to the Washington authorities on the subject. These annoying circumstances, fortunately, were not allowed to impair the good understanding that had been arrived at, and the Governor of Maine was balked in his desire to bring on a war. New negotiations were entered into between the two

governments with a view to a final settlement. Daniel Webster, who became Secretary of State in 1841, had the distinction of bringing the long controversy to a close. The result was reached by direct negotiations, and in 1842, Lord Ashburton arrived at Washington, armed with full power from the British Government to conclude a boundary treaty. This treaty, which is generally known as the Ashburton Treaty, was settled on the 9th of August, 1842, and it fixed the boundaries between the two countries as they exist at present. It was more favorable to Great Britain than the award of the King of the Netherlands, but less than the British authorities had originally claimed. Lord Ashburton has been much censured, for making this treaty, by persons who know nothing of the merits of the question, and who allow their own prejudices to influence their opinions. The treaty was certainly a most favorable one to New Brunswick, in view of the fact that Mr. Oswald, the British Commissioner, who negotiated the treaty of 1783, had agreed to an impossible boundary on a range of highlands which did not exist, or, if it existed at all, was far to the north of the river St. John. It is unfortunate that under the Ashburton Treaty, the State of Maine should project into New Brunswick like a wedge, and should prevent us having a short line of communication to Montreal and the West through British territory. But Lord Ashburton got the best boundary that was then possible, and it is safe to assert that as good a settlement could not have been obtained at a later period, or under any other circumstances. Apart from that, almost any

settlement was better than a state of continual border warfare and constant friction with the Maine officials, who acted very much as the Southern secessionists did at a later period, when they threw off the authority of the Federal Government. The Southern States are not the only ones that have defied the authority of the Government at Washington and refused to abide by its orders.

The city of St. John had always been subject to the ravages of fires in consequence of its buildings being mainly constructed of wood, and the means of extinguishing a fire being very imperfect. A very severe fire had occurred in 1837, by which many business establishments to the south of the Market Slip, had been destroyed. But in August, 1839, a conflagration, which far surpassed it in magnitude, took place, burning a large portion of the city to the north of the Market Slip which had escaped the fire of 1837. Upwards of 100 buildings were consumed, of which fifty at least were business establishments. The total amount of property destroyed was estimated at £200,000, of which only a small part was insured. No event in the history of the city had produced a greater degree of distress than this awful visitation, which was only surpassed in magnitude by the great fire of 1877, for about 3,000 persons were rendered homeless. The Governor and his council thought the exigency of the situation created by the fire, justified the calling together of the Legislature, and it accordingly met on the 10th of September. A bill was passed requiring buildings erected within certain specified limits in the city of St. John to be

constructed of brick, stone, or some other non-combustible material. An act was passed to authorize the widening, straightening and enlarging of Dock and Nelson streets, and the opening of a new street in continuation of Smyth street, all in the burnt district. There was also an act passed to authorize the issue of treasury notes to the extent of £20,000, which sum was to be loaned to the owners of lots whose buildings had been destroyed by the fire, to enable them to rebuild. These were timely measures, and were the means of mitigating, to some extent, the calamity which had overwhelmed St. John. It was then thought that the rebuilding of the city in brick and stone, would ensure it against destruction by fire at any future day, but there were men who saw the great fire of 1839, who lived long enough to learn that this was an entire delusion, and that a city built of brick and stone might be swept almost off the face of the earth, by a fire which had not been checked at the beginning, and which was aided by a high wind, a warm temperature and other circumstances favorable to its extension over a large area.

The legislative session of 1840 began on the 28th of January. The Lieutenant Governor was able to congratulate the Province on the fact that its trade and revenue were flourishing beyond any former period. Every demand on the public treasury had been fully met by the surplus revenue of the current year. He recommended the advisability of committing the care and superintendence of the great roads to salaried officers, so that a uniformity in their construction might be

attained. He stated that from representations which had reached him from the sheriffs, he was satisfied that the condition of the jails required much improvement, and that a humane Legislature should interpose on behalf of the incarcerated debtor. He called attention to communications which he had received from the North American Colonial Association of Ireland, who professed themselves desirous of acquiring land in New Brunswick, for the purpose of placing settlers upon it. This association had a considerable correspondence with the Governor, but they did not become purchasers of land in the Province. This was a sufficiently ample bill of fare for the session which was marked by a degree of harmony which was unusual in the legislative proceedings of New Brunswick. The presence of Sir John Harvey seemed to exercise a soothing effect on the tempers of members of the Legislature. The period of his Government is still remembered as the era of political harmony.

Among the acts passed in the session of 1840, was one to authorize the grand juries, of the several counties, to inspect the public accounts. This was a very necessary reform, and gave the people an opportunity of ascertaining how the sessions were dealing with the county funds. The counties up to that period and for many years afterwards, were governed by the magistrates who were appointed by the Governor, and not under the control of the people. This arrangement sometimes worked well enough where the magistrates were men of high character, but the best of men are

liable to abuse their power, and the benches of magistrates throughout the Province, were not free from human infirmities. At this session also provision was made for the first time for the payment of members of the legislative council. This had been recommended by Sir Archibald Campbell, on more than one occasion; but without success, and a good deal of the obstructive spirit exhibited by the legislative council may be attributed to this neglect on the part of the House to put the council on the same footing as their own legislative body. There was no good reason why this should not be done, for it was not fair to ask members of the council to attend at Fredericton without being at least paid their expenses.

An act was also passed which provided for the taking of another census of the Province. This was done in the spring of 1840 and it showed New Brunswick to have a population of 156,162, an increase of 36,705 over the population six years before or about 20,000 more than the natural increase during that period. In these six years therefore about 20,000 persons had been added to the population of the Province by immigration. The county that showed the greatest increase was St. John, which had upwards of 12,000 added to its population. The city of St. John had upwards of 20,000 inhabitants, and the population of the territory now embraced in the city of St. John was 26,923. This census contained some interesting statistics which might serve as a guide to the strength of the various denominations of Christians. There were altogether 270 places of worship in the Province, of which the

Church of England had 61, the Presbyterians 32, the Methodists 44, the Baptists 61, Roman Catholics 51 and other denominations 21. These figures showed clearly that the claim of the Church of England to be the church of the majority of the people of the Province was far from being justified. The Province possessed two hundred and forty-seven grist mills and five hundred and seventy-four saw mills, but these mills were of course much less efficient than those of the present day. There were 435,861 acres of land cleared, and the stock upon the farms consisted of 18,282 horses, 90,260 horned cattle, 141,053 sheep and 71,915 swine. The Province had made great strides in the course of ten or twelve years, and it had more than doubled its population in sixteen years or since the year 1824. This was a gratifying condition of affairs, and although many of the immigrants who came to our shores were in very reduced circumstances, they added materially to the wealth of the Province, for New Brunswick needed above all things a greater number of workers to till its waste places.

In no department of industry had the growth been greater than in ship building. The returns laid before the Legislature showed that in 1839, 28,358 tons of shipping had been registered at the port of St. John, most of which had been built at that city or in its vicinity. During the same year 9,000 tons of shipping had been registered at the port of Miramichi. St. John then owned 82,191 tons of shipping and Miramichi 12,803 tons. These figures show the importance which the business.

of ship-building and ship-owning had attained in a Province which had only been founded about half a century before, and which had grown slowly during the first years of its existence. Ship-building in New Brunswick, was destined to attain a still greater development in later years, until checked by the introduction of iron ships, which being much superior to wooden vessels, after a time made the building of the latter unprofitable. In the meantime, however, about the year 1872, St. John had grown to be the fourth port of the British Empire in the ownership of ships, and it still retains a respectable position in that respect.

The Honorable Thomas Baillie, who had held the position of Surveyor General and Commissioner of Crown lands, by appointment of the imperial authority, was not a general favorite in New Brunswick. Whatever may have been his merits as an administrator, extravagance and ostentation were the features in his character which were most prominently discerned by the public, and his management of the Crown lands was not satisfactory to a majority of the people, especially to those who were engaged in lumbering. Soon after the transfer of the casual and territorial revenue to the Province, the House of Assembly began to agitate for a reduction of his salary. After some correspondence with the Home authorities, it was agreed that it should be reduced to £1,200, which was not much more than half what he had been receiving. This was done on the plea that, as his duties as commissioner of crown lands had been taken over by the executive council, he was only entitled to

half of his former salary. At the same time the Crown land office was entirely re-organized, and a new scale of salaries made for the employees. A committee was appointed to investigate Mr. Baillie's accounts, and they reported that he owed the Province upwards of £3,000. Whether this was the case or not, at that time Mr. Baillie was financially embarrassed, in consequence of having entered into a number of outside speculations, and he seems to have become panic stricken, for in January, 1840, he sent in his resignation to the Governor, on condition that he should receive a pension of £600 a year. The Governor accepted it, and appointed the Honorable John Simcoe Saunders, provisionally, to fill the office. This pension was the subject of a correspondence with the Home authorities who agreed to the arrangement which the Governor had made, but the House of Assembly refused to vote any pension to Mr. Baillie, and that official was re-instated in his office as Surveyor-General, after being out of it for about two years. He held the position until the year 1851.

At this time the attention of the Legislature and the people, was directed to the necessity of making some better provision for the care of the insane. In St. John especially, it was found difficult to deal with them, there being no suitable place where they could be kept. For some time lunatics were confined in the gaol, under the warrant of a magistrate, as not safe to be at large, and as the gaols were small they had to be shut up with criminals, who were not likely to use them with much humanity. Doctor George P. Peters, of St. John, who had

charge of the poor establishment, which included the gaol and work house, represented the state of the insane to the overseers of the poor, and, on his representation, the lunatics were removed to the Alms house. That arrangement improved their condition, but it was found very inconvenient, and an application was made to the board of health for liberty to fit up a building which had been erected for a cholera hospital, so that it could be made to accommodate the lunatics. This temporary asylum was put in operation in the beginning of 1836, at the cost of the city of St. John, and it at first contained but a small number of patients. In the same year the Legislature addressed the Governor, asking him to appoint commissioners to ascertain the most eligible site for a provincial lunatic asylum, and an estimate of the probable cost for land and buildings. These commissioners reported at the session of 1837, and presented a plan for a proper building. They thought that the number of insane persons in the province might amount to 150, and therefore a building of considerable size would be required for their accommodation. Nothing was done at that time to carry out the plan of building a provincial lunatic asylum, but grants were made by the Legislature to assist the overseers of the poor in St. John, to maintain a temporary asylum there, and reports of its condition were regularly sent to the provincial government. In 1840, the number of patients in the asylum was 72 of whom 40 remained at the end of the year. At this time it had become practically a provincial institution, and it was enlarged at the cost of the province, and


about £1,500 annually was granted for its maintenance. Out of this small beginning grew, in the course of time, the splendid establishment with its annex, afterwards erected in the parish of Lancaster near the city of St. John, in which nearly 600 insane persons are confined.

The attention of the Legislature had also been called to the advantages that would arise from a geological survey of the Province, its resources in minerals being wholly unknown to its people. In 1838, Dr. Abraham Gesner, a geologist of some eminence, was appointed by Sir John Harvey, to make a geological survey of the Province, and a grant of £200 was made by the Legislature for that purpose. His first report was presented to the Legislature in 1839, and an additional grant of £300, was made to him for his services. A committee was appointed to inquire whether the geological survey of the Province should be continued, and they reported in favor of it, and the sum of £250 was appropriated for that purpose. Dr. Gesner's second report was laid before the House in 1840, and five hundred copies of it ordered to be printed. He was granted £350 for his services, and a further grant of £250 was passed to enable the Governor to continue the geological survey. To this grant was added the proviso that no further grant be made for this purpose. This was a very illiberal declaration and it had to be departed from, because at the following session the Legislature again granted Dr. Gesner £350 for his services, but an additional £200 grant to enable the Governor to continue the geological survey was

negatived by a vote of 17 to 8, although the Lieutenant Governor had, in his speech, recommended the continuance of this work. The modern reader may infer from this that the intelligence of the average member of the Legislature in 1842, was not of a high order, for, if the members had understood the needs of the Province, they would have cheerfully agreed to continue this highly important work. There is no doubt that Dr. Gesner did much, while engaged in his geological survey, to disclose the mineral resources of the Province. His conclusions may not in all cases have proved to be entirely sound, and he may have been somewhat optimistic in his views, but such a spirit is much better than that system of depreciation in which some, more recent, geological surveys of the Province have been conducted. Dr. Gesner made a number of valuable discoveries of mineral deposits, the most important of which was the albertite in the county of Albert, which brought so much profit to those who engaged in the work of mining it. He was a thorough believer in the future of the Province as the seat of important mining industries, and his views which were for a long time ridiculed, are now beginning to be justified. The recent growth and development of mining enterprises in this Province, is the best proof of the correctness of Dr. Gesner's ideas with regard to the mineral wealth of New Brunswick.



CHAPTER XXX.

HE session of 1841 was the last occasion on which Sir John Harvey met the Provincial legislature. Great changes had taken place in the condition of the Province during the year that had elapsed since the last meeting. There had been much commercial embarrassment due to losses by fire, and bad markets in England for the staple products of the colonies. But the country had enjoyed the advantage of a good harvest, and that compensated in part for the commercial depression. He was able to announce that arrangements were being made for the improvement of the postal communication in British America, and the reduction of the rates of postage. The post office at that time was an Imperial institution, and the postal facilities of the Province were on a very limited scale, in comparison with those of the present day. The postage on letters was so high that it cost seven pence to send a letter from St. John to Fredericton, and a shilling to send one to Richibucto. The postage from St. John to Dorchester, was nine pence, and the same rate took a letter to Halifax. But it cost one shilling and three pence, to send a letter to Dalhousie, one shilling and six pence, to send a letter from St. John to Quebec, and one shilling and eight pence to forward it to Montreal. These excessive rates of

postage existed until the year 1850, when the post office department was transferred to the Provincial Government. A curious light is thrown on these high rates of postage by some correspondence which passed between the post office authorities and the Government of New Brunswick in the year 1843 in regard to the postage charged on certain public documents which had been forwarded to the Government of this Province from Nova Scotia and Prince Edward Island. A copy of the laws of Prince Edward Island, which had been sent from Charlottetown for the use of the Provincial government, was charged £34 16s. 8d. postage, upon which the Provincial authorities here refused to take it out of the post office, and a long correspondence ensued in regard to it. The packet in which the law book was contained being closed, it was subject to letter postage, and the Postmaster-General or his deputy, was unable to reduce the rate, so that the book in question probably never reached its destination. It is impossible to exaggerate the inconvenience which must have resulted from such excessive rates of postage. Nor was this the only evil from which the Province suffered in connection with the post office department. Mails, which now go daily, or twice or three times a week, at that time seldom went oftener than once a week, and these mails were usually so small that a courier, on horseback, was able to carry them with him. Those who had friends at a distance seldom resorted to the post office for the purpose of communicating with them, and depended on sending letters by private hand, when some casual traveller journeyed between the places. The same

difficulty, with regard to postage, retarded the circulation of newspapers, and prevented the transmission of intelligence throughout the country. The reduced scale of duties, to which the Lieutenant-Governor referred, did not apply to internal colonial postage, but to the transmission of letters from Great Britain to British North America. Heretofore the rate on a single letter had amounted frequently to three or four shillings, a sum much greater than most people were able to pay, and which discouraged correspondence between immigrants and their friends in Great Britain. The new rate was one shilling and three pence, which, although we should consider very high at the present time, was then looked upon as a great boon. The Province had yet to wait for a long time for a really low rate of postage between Great Britain and the colonies, and the present two cent. rate was something of which the wildest imagination at that time, had never dreamed.

The most important act of 1841, was a measure to establish a Provincial House of Correction. The need of this had been forced on the attention of the Legislature by the bad condition of the gaols of the Province. Two of the judges, Botsford and Parker, had been requested by Sir John Harvey, in 1839, to inspect the St. John gaol, and they found the building entirely too small for the needs of the city, and the proper care of the prisoners. There were no means of separating convicts from those committed for trial, or between felons and those convicted of minor offences, while juvenile offenders were mixed up with those who were hardened in crime. The condition of the debtors who were

confined in gaol was no better than that of a convict, because, in many cases, they were destitute of the means of procuring the necessaries of life, and had to rely on the charity of the jailer or of their fellow prisoners, for the means of sustenance. It was evident that a place ought to be provided for convicts undergoing sentences, and this act was the result. The building which had been erected by the county of St. John, was taken over by the Province, and made available for prisoners from any county. This was the beginning of the Provincial penitentiary at St. John, which was taken over by the Dominion Government under the terms of confederation, and continued to serve as a prison for convicts until the building of the large penitentiary at Dorchester, for the accommodation of all the convicts of the Maritime Provinces.

At this session a despatch was laid before the Legislature, from Lord John Russell, with regard to the coasting trade between New Brunswick and Nova Scotia. Regulations had been made the previous year by the Imperial authorities, permitting all British vessels to carry goods between Nova Scotia and New Brunswick, the produce of either Province, without entry or clearance. This relieved the coasting trade from a serious impediment and greatly facilitated business between the two Provinces. At this time the distress in England was sending emigrants abroad in large numbers and many of them came to New Brunswick. An emigrant agent had been appointed some years before, who was charged with the business of assisting these poor people to find homes for them-

selves in this Province. In 1838, 893 emigrants arrived from the British Islands; in 1839 the number was 3,103, and in 1840 no less than 7,777 emigrants came to New Brunswick. This was a larger number than the Province could properly absorb in one year, and many of them drifted away to the United States, yet there was at the same time, a complaint of the lack of skilled labor in several departments of industry, especially of persons fitted to work on the farms. The average emigrant was not capable of competing with the native born settler in the rough work of clearing up the forest, yet about this time, some settlements of emigrants that afterwards became prosperous were established. A company had been formed in England, called the Nova Scotia and New Brunswick Land Company, ostensibly for the purpose of introducing settlers into New Brunswick. The government sold this company five hundred thousand acres of excellent land, for 2s. 6d. an acre, and some settlements were founded by the company in the course of time. A party of settlers came out from England in 1837, intending to settle on the lands of this company, but were unable to make satisfactory arrangements. Many of them were in destitute circumstances, and their condition was brought to the attention of the Government, who took measures to place them on Crown lands. Commissioners were appointed to carry out this work, and, three years later, they were able to report that they had settled twenty-six families on Crown lands on the road between Fredericton and St. Andrews, every one of whom had a comfortable

house to live in, and that 10,279 bushels of grain and root crops had been grown in 1840, on ground that in August, 1837, was a dense forest. This was the Harvey Settlement, which was very properly named after its founder, and when Sir John Harvey took his departure from the Province, none of the numerous addresses which he received, was more pleasing to him than that from the Harvey settlers, whose future prosperity he had secured by his care for their welfare.

At the session of 1840, Sir John Harvey had laid before the Legislature a despatch from Lord Russell, on the tenure of public offices. This despatch may be said to have been the beginning of a new era in the relations between the officials and the people. His Lordship said that the time had come for a change in the method of holding office under the Crown. Hitherto offices had been held practically for life or for good behavior, but now he thought that heads of departments, such as the Colonial Secretary, the Treasurer or Receiver-General, the Surveyor-General, the Attorney and Solicitor-General the Sheriff and other officers entrusted with similar duties, should be called upon to retire as often as any sufficient motive of public policy might suggest the expediency of that measure, and that a change in the person of the Governor should be considered a sufficient reason for any alteration which his successor might deem it necessary to make in the list of public functionaries. The same rule was to be applied to members of the Executive council whenever the public good seemed to demand it. Here was the first germ of responsible

government, for, if the public good was made the motive for changes in public offices, the public in time would demand that these offices should be under their own control. This despatch was referred to a committee of the whole house, where a resolution was moved that it was highly satisfactory to the house, and afforded a gratifying proof of the sincere desire of the Queen and her Government, to infuse principles into the administration of the council, strictly analogous to the principles of the British constitution. An amendment was moved to this to the effect that there was nothing in the despatch to call forth any expression from the house on the subject of Colonial Government, and that in the event of any occurrence taking place to disturb the political peace of the Province, the house believed that any loyal and dutiful representation would receive, as they had always done, the Royal consideration. This amendment was carried by the casting vote of the chairman, Mr. Taylor. All the ancient Toryism of the House was, of course, opposed to the resolution which favored the principle of responsible government. Such men as Mr. Partelow and Mr. Brown, who had been active in obtaining the control of the casual and territorial revenues for the Province, were hostile to any further change in the constitution. It is evident that Sir John Harvey did not favor the views of these opponents of responsible government, for when the despatch was received in December, 1839, he published it in the Royal Gazette, so that every one could be made aware of the intentions of the British Government towards.

the colonies. Such a despatch was, of course, very obnoxious to the family compact who had held all the offices since the foundation of the Province, and who had grown to believe that they alone were entitled to them.

In the spring of 1841, Sir John Harvey was recalled, after having filled the office of Lieutenant Governor for about four years. The causes of his recall were not disclosed at the time, but an explanation of this change was soon found in his appointment to the Governorship of Newfoundland, where a man of firm character and yet in sympathy with the people, was required. Sir John Harvey received more tributes from the people of the Province, to his worth and character, than any of his predecessors or successors. Although not so able a man as Sir Howard Douglas, his popularity was even greater, which perhaps was due to the effect of his management of the boundary difficulty. There were indeed some newspapers, in New Brunswick and Nova Scotia, who criticized his conduct in this matter, but these papers did not represent the views of the people generally. The Legislature of New Brunswick voluntarily increased his salary to the extent of £500 sterling, annually, and when he took his departure they voted £1,500 for the purchase of a service of plate. On leaving the Province, he received addresses from every county, from the cities of St. John and Fredericton; from all the national societies, and his departure was sincerely lamented by everyone. It was felt that in losing him, the Province had been deprived of the services

of a sincere friend of its people, and that it would be difficult, if not impossible, to find a successor in every way equal to him.

This was a period of development throughout the Province, and in fact all over North America. The introduction of steam-ships to cross the Atlantic, had brought New Brunswick into easy communication with the mother country. Correspondence, which formerly took two or three months to reach the Province from England, now was received in about fifteen days. This produced a change in the business arrangements of the people, in their ways of thinking, and corresponding improvements were demanded with respect to the internal communications of the country. The demand was now made for a daily mail between St. John and Halifax, and this was achieved in due time. Stage coaches began to run between the principal centres of population, so that travelling became not only quicker but less expensive. The old ways and the old systems, both in respect to the business of the country and its political institutions, were beginning to change, so that in the course of the next ten or twelve years the old order of things had utterly passed away.

The new Lieutenant Governor, Sir William Colebrooke, arrived at Fredericton, in April, 1841, before the departure of Sir John Harvey. This gentleman, like his predecessors, was an officer of the army. He had served mainly in India, and had been Lieutenant Governor of the Bahamas, and Governor General of the Leeward Islands. This was not a very good training for a constitutional

Governor of a Province like New Brunswick, yet Sir William Colebrooke appears to have endeavored to govern the Province in a constitutional manner, as he understood it, and if he did make mistakes, that must be attributed rather to his imperfect knowledge than a desire to act improperly. He did not engage in quarrels with the House of Assembly as Sir Archibald Campbell and General Smyth had done, nor did he endeavor to set up one house against the other, as was the case with the first Governor of the Province, Thomas Carleton. Sir William Colebrooke filled the office of Lieutenant Governor of New Brunswick for seven years, and from thence he was transferred to British Guiana and Barbadoes.

During the summer of 1841, St. John was visited by another disastrous fire, which swept away a great deal of property, and there was reason to believe that this was a work of an incendiary. Several attempts were made during that summer to set the city on fire, and the people became very much alarmed in consequence, and organized themselves into a regular night watch for the purpose of putting a stop to such attempts. The same thing was done after the great fire of 1877. It seems as if some minds become disposed to crime under the pressure of excitement, so that after a great fire, attempts at incendiarism become more frequent. These fires produced a very depressing effect on the city of St. John, and, joined to the commercial distress which before prevailed were ruinous to many worthy people.

Sir William Colebrooke opened the Legislature on the 19th of January, 1842, with a speech in which

he dealt with many important topics. He recommended the introduction of those principles of municipal government which were recognized in the constitution of England, and which he believed would be found well adapted to the situation of the Province. He suggested the creation of a Board of Works, for the efficient execution of works of a public character. He directed their attention to the necessity of completing the communication with Canada; the geological survey; the state of education; the revision of the laws; imprisonment for debt, and many other matters were likewise referred to. Most of these subjects received the attention of the Legislature. The most important act of the session was that, to vacate the seats of members of the Assembly in certain cases. It provided that any member who occupied the office of Executive councillor, or any office of profit or emolument under the Crown, should be incapable of taking or holding a seat in the general assembly, while in such office, unless re-elected after his acceptance thereof. Any member who entered into a contract with the Government for the performance of any public work also had his seat vacated. This measure was more stringent than the law of the present day, which only requires Executive councillors who are heads of departments and receive salaries, to go back to the people for re-election, yet it does not seem to have been applied to the case of members who held such offices as that of clerk of the peace or judge of probate or deputy treasurer, which were strictly under the control of the executive, and the

emoluments of which were paid in fees. The bill was introduced by Mr. Charles Fisher, but a glance at the division list shows that it was opposed by L. A. Wilmot, who became so prominent an advocate of responsible government. We can only infer from this, that the bearings of the measure on the constitution, were not fully realized, for among those who voted for it were J. W. Weldon, the member for Kent, who was looked upon as the leader of the party opposed to responsible government. Mr. Weldon was a member of the executive council when the bill was introduced, but he resigned his seat before it became law.

Another measure passed at this session, dealt with the term of the House of Assembly, which was reduced from seven years to four. This bill went through without much opposition, only five members being found to vote against it. It was reserved for Her Majesty's consideration, and became law in the course of the summer. The length of the term of the House of Assembly continued to be four years from that time until the session of 1902, when an act was passed, extending the term to five years, which is the same as that of the Parliament of Canada.

Among the numerous despatches from the Home Government which were laid before the Legislature at this session was one from Lord Stanley, the Colonial Secretary, in which it was stated that the disordered state of the finances of the Province demanded an early remedy, and asking the Governor to bring the subject under the serious notice of the Legislature, with a view to the establishment of a

more regular system, by which the revenue and expenditure might be equalized. Five years before, the Province had possessed a balance to its credit of about £150,000, but this had all been spent, and now it was heavily in debt. This was a natural result of the system of making appropriations, and the only true remedy for it was the surrender, by private members, of the right to initiate money votes. This despatch was considered in committee of the whole house, and a resolution moved that no appropriation of public money should be made at any future session until there was a particular account of income and expenditure for the previous year, together with an estimate of the sums required to be expended, and the probable revenues for the ensuing year. This was coming too near responsible government to suit the upholders of the old system, and accordingly an amendment, which was moved by Mr. John R. Partelow, was carried by a vote of eighteen to twelve. This declared that "whereas the present mode of appropriation tested by an experience of more than fifty years, has not only given satisfaction to the people of this Province, but repeatedly attracted the deserved approbation of the colonial ministers, as securing its constitutional position to every branch of the Legislature, therefore resolved as the opinion of this committee, that it is not expedient to make any alteration in the same."

This amendment was utterly absurd as well as wholly untrue in its statements, for a system which had dissipated a large surplus, and run the Province heavily in debt, was certainly not deserving of the

approbation of any colonial minister, and as a matter of fact, no such approbation had ever been extended to it. On the contrary the very despatch which the committee were considering, contained a direct censure on the House of Assembly for its method of making appropriations. Among those who voted against this amendment, was the Speaker, the Honorable Charles Simonds, and Messrs. L. A. Wilmot, Fisher and Hill. The effect of this vote was to postpone for some time, the movement in favor of responsible government.

In December, 1842, the general elections took place and the question of responsible government was largely the ground upon which they turned. This was particularly the case in the city and county of St. John, and in the county of York, where the people had a better opportunity of familiarizing themselves with the question, than in other parts of the Province. Yet the state of political education must have been extremely backward when an able lawyer and a man of education, like Robert L. Hazen, of St. John, was not ashamed to state on the hustings that he never met with any one who could explain to him satisfactorily, what responsible government meant. His ignorance was shared by his colleague, Mr. Burns, who was elected with him, for the City of St. John, the two defeated candidates being Isaac Woodward and W. H. Street, both of whom had voted against Mr. Partelow's amendment. The City of St. John, therefore, if the votes of its citizens were any criterion, placed itself squarely against responsible government. On a scrutiny Mr. Street obtained the

seat in place of Mr. Burns, so that the representation of the city stood one against responsible government and one in favor of it. For the County of St. John, the members elected were John R. Partelow, John Jordan, Robert Payne, and the Honorable Charles Simonds. Mr. Partelow was the ablest opponent of responsible government in the legislature, while his three colleagues were in favor of that reform. Among the defeated candidates was William J. Ritchie, then a young barrister, who afterwards rose to great eminence and became Chief Justice of Canada. Mr. Ritchie was a thorough reformer and an advocate of responsible government. In the County of York, Messrs. Wilmot and Fisher were re-elected, but Messrs. Allan and Taylor, both of whom were opposed to reform, stood higher on the polls, so that the opinion of York County seemed to be divided on the question. Taking the whole Province together, the opponents of reform had a decided majority, a result that must be attributed largely to the people not having a clear understanding of the principle involved. It was easy for a self-seeking member to persuade his constituents that to place the initiation of money votes in the hands of the executive would lessen their chances of receiving grants for their local needs, and place the executive in a position to treat their claims with indifference or contempt. Nor was the composition of the executive council of that day such as to invite confidence, for, of the ten members who composed it, only four were in the House of Assembly. Its members were appointed by the Governor and could be removed by him at

his pleasure, so that they were responsible to the Governor, and not to the people or to the representatives of the people in the House of Assembly. There was no way in which the House of Assembly could bring about the retirement of an obnoxious member of the executive, and not one of the heads of departments had a seat in the House of Assembly. The Attorney General, Solicitor General, Provincial Secretary, Surveyor General and Receiver General, were all members of the Legislative council, which was considered a more respectable, as well as more influential body than the House of Assembly. These facts show that while it was necessary to good government that the initiation of money votes should be placed in the hands of the executive council, a great deal more than that required to be done before the constitution of New Brunswick could be placed on a satisfactory footing.

When the Legislature met in January, 1843, the friends of the old system felt so confident of their increased strength, that they determined to emphasize it by electing a Speaker of their own party. The Honorable Charles Simonds, of St. John, had filled the office of Speaker for several years with much acceptance, but it was determined to displace him, and elect the Honorable John Wesley Weldon to fill the chair. The intention of the opponents of reform was sufficiently shown by the speech of Mr. Partelow in nominating Mr. Weldon, when he declared that he would throw down the gauntlet in opposition to what was called Responsible Government. Mr. Weldon was elected without opposition, and he was a good representative

of the old order of things. This gentleman when he was appointed Speaker, held several other offices which at the present day would prevent him from being elected to the Legislature. He was post-master of Richibucto, deputy-treasurer of Richibucto, issuer of marriage licenses for the county of Kent, keeper of the seals, and Clerk of the Peace, and of the Inferior Court of Common Pleas for the county of Kent, and Registrar of the Probate Court for that county. The holding of such a plurality of offices was common enough in New Brunswick at that time, and it emphasizes the difference in the way that things were viewed by the people then, as compared with the present day.

The Lieutenant Governor in his opening speech, recommended a revision of the election laws, the renewal of the laws for the support of the parish schools, and the timely adoption of such a system of finance as would restore confidence in the integrity of the Province, and retrieve public credit. The reference he made to the necessity of measures which appeared to be called for "to improve, on English principles, the institutions of the Province," shows that the Governor was in advance of a majority of the Legislature in his views as a reformer. There had been a great failure in the revenue in consequence of the commercial distress, and the credit of the Province was very low. A message from the Lieutenant Governor showed that the debts and liabilities of the Province, exceeded by about £33,000 its revenue and resources, so that the Provincial funds were liable to a heavy charge for interest. A

despatch from Lord Stanley was placed before the Legislature, which attributed the financial embarrassment of the Province, to the lack of a proper executive control over the expenditure. Lord Stanley thought that the remedy for the embarrassments of the Province, rested with the Provincial Legislature, and not with the Imperial Government, and he thought that there was an urgent necessity for decided measures to check the growing and formidable evil. This was rather a cold douche for those who had voted the previous year that the old system was so perfect that it had repeatedly received the praise of colonial ministers, but it had not the effect of bringing about any change in their views.

Mr. Charles Fisher was the most active advocate of reform at this period and took the lead in bringing to the attention of the House many important measures. One of these was a bill to fix the qualifications of members of the Legislative Council. The members of the House of Assembly were required to possess a qualification in land, to the value of £300 above all encumbrances, but there was no qualification required of a member of the Legislative Council. A bill to fix the qualification at £500 was passed by the House, but defeated in the Council. Mr. Fisher also introduced a series of resolutions which were carried unanimously in the House. The first declared that a petition should be presented to the Queen for a reduction of the charges on the Province under the civil list bill; the second limited the salary of the heads of departments to £600 per annum; the third declared

that all fees of office should go into the public treasury, and not into the pockets of the holders of the office, as had been the case previously. These reforms were all achieved in time, but not immediately. There were too many influences at work to keep the salaries of the departmental officers at a high figure, for every one who held an office, thought that he had a vested right to the same emoluments that had been enjoyed by his predecessors. The Lieutenant Governor laid before the House, the report of the Auditor on the accounts of the Provincial Treasury, and a report from the treasurer, with an estimate of the revenue for the current year, which had been calculated on the scale of duties recommended to be levied. This was intended by his Excellency to assist the House in calculating its expenditures, but it was looked upon apparently by a majority of that body as an insult. The House went into committee upon it and passed a resolution by a vote of 21 to 10, that the House should view any recommendation for laying duties on the people, as an interference with its acknowledged rights and privileges. There was a very hot debate over this resolution which was upheld by men who had been very prominent in supporting former Governors in their illegal and arbitrary measures.

At a later day in the session, Mr. Brown of Charlotte, moved a resolution, requiring that a statement of the finances of the Province should be made up before the opening of the annual session of the Legislature, under the direction of the Governor, and laid before the House, and that the

amount granted in supply, should not exceed the estimated amount of revenue set forth in this financial statement. This was a very reasonable resolution, for certainly the practice of granting money which the Province did not possess and could not obtain, was very detrimental to its credit. This was met by an amendment moved by the Speaker, Mr. Weldon, that nothing had transpired which should induce the House to depart from its recorded opinion on the subject of the initiation of money grants, in February of 1842. This was carried by a vote of twenty-four to seven, the only persons who voted against it, being the Honorable Mr. Simonds of St. John, Messrs. Hill and Boyd of Charlotte, Mr. Rankine of Northumberland, Messrs. Fisher and Wilmot of York, and Mr. Barker of Sunbury. Mr. Brown, the mover of the resolution, actually voted for this amendment which was intended to destroy its effect, a sufficient proof, that even those members who were in favor of reform had a very poor grasp of the question in all its bearings,

It had been a subject of complaint against the Legislative Council that it was composed mainly of members of one denomination, the Church of England, and that in other respects it did not represent properly, the interests of the people. An address, setting forth a number of reasons why the composition of the Council was unsatisfactory, was prepared and forwarded to her Majesty during the session of 1843. This address stated that the Legislative council should be composed of persons representing not only all the leading interests of the


Province, and connected with the principal denominations of Christians, but of independent property and free from official influence. One great objection to the Council was, that a great proportion of its members held offices at pleasure, under the Crown, and the principal officers of the Government generally formed a majority of the members present. This address met with a prompt response from the home authorities, and one result of it was, the retirement of four members of the council, Mr. Baillie, the Surveyor General ; Mr. Lee, the Receiver General ; and Messrs. Allenshaw and Harry Peters. In their places were appointed Messrs. Minchen, Crane, T. H. Peters and Captain Owen. These changes produced a considerable amount of indignation in the Legislative Council, for every member felt his own seat was in danger, and it was rather galling to the pride of the members, to think that such changes should have been made at the demand of the House of Assembly. The new members were not thought to be much improvement on the old.

There were a number of changes in the executive council during the latter part of 1843. Messrs. Black, Shore, Robinson, and Crane retired, and their places were filled by Messrs. Hugh Johnston, E. B. Chandler, John Montgomery, Robert L. Hazen, John R. Partelow, William H. Street and L. A. Wilmot. As most of the members of the council were opponents of responsible government, it is singular that Mr. Wilmot should have consented to become a member. He ought to have known that no large measure of reform was possible

while the executive council was constituted as it was, and that by becoming a member he was only assisting to postpone the cause of reform. Mr. Wilnot certainly lost prestige by his action on this occasion, as he did subsequently from the display of a similar weakness.



CHAPTER XXXI.

HE session of 1844 met on the 1st of February. The principal topics mentioned in the Governor's speech were the settlement of the Crown lands, the encouragement of agriculture, the fisheries, domestic manufactures and the improvement of the educational institutions of the Province. The most interesting matter, however, which was discussed during the session, was not a provincial concern at all, but had its origin in another colony. The Governor General of Canada at that time was Sir Charles Metcalfe, a person who is said to have possessed much ability, but who was certainly most unfit for the position he occupied. Sir Charles Metcalfe persisted in making appointments, not only without the advice of his council, but directly contrary to it. He claimed to stand on what was termed the Royal prerogative, which was supposed to justify all appointments. Under this system the people of New Brunswick had already seen persons placed in high positions who were not natives of the Province, and who knew nothing whatever in regard to its people or its needs. The appointment of Mr. Baillie to the office of Surveyor-General was an instance of this, and a still more flagrant case was the appointment of James Carter, a young Englishman, to be a judge of the Supreme Court

in 1834, on the death of Chief Justice Saunders. This was a gross insult to the bar of New Brunswick, which then included many able lawyers who were far more competent to fill the position than Mr. Carter. Yet the appointment was justified on the ground of the royal prerogative. It might have been supposed that the people of New Brunswick, who had suffered from this cause, would have had some sympathy with their brethern in Canada, who were seeking to control the actions of a despotic governor, but during the session, Mr. Allen of York moved the appointment of a committee to prepare an address to Sir Charles Metcalfe, expressive of the high sense entertained by the representatives of the people of New Brunswick for the constitutional stand taken by him in the recent memorable conflict with His Excellency's late advisors. This resolution was not passed without a hot discussion, in which Mr. Wilmot and Mr. Fisher defended the late advisors of the Governor General and pronounced the conduct of His Excellency unconstitutional. The address which grew out of this resolution declared that the representatives of the people of New Brunswick could not refrain from supporting His Excellency in maintaining the prerogatives of the Crown, invaded as they conceived them to have been, by the extraordinary claims of the Council. It also declared it to be their firm belief that if the extravagant demand made upon the Governor General had been granted, monarchical institutions on this continent must soon have ceased to exist. The meaning of this was, of course, that a Governor,

in making appointments, was not bound to take the advice of his Council. What would the people of Canada say today if a Governor General insisted on appointing men to public offices against the advice of his cabinet? Yet not content with the fulsome and absurd address sent to the Governor General by the House of Assembly, the city of St. John, to show its loyalty, presented a similar address and one signed by 1,000 persons was sent by the county of York. Such abasement and subserviency to an unconstitutional Governor was certain to bring its own punishment, and it came much sooner than any one could have anticipated. On Christmas day of the same year, the Hon. William Franklin Odell, who had been Provincial Secretary for thirty-two years, died at Fredericton. Mr. Odell's father had been Secretary before him, from the foundation of the Province, so that the Odell family had held that important and highly lucrative office for sixty years.

Sir William Colebrooke, on the 1st of January, 1848, just one week after the death of Mr. Odell, appointed his son-in-law, Alfred Reade, who was a native of England and a stranger to the Province, to the vacant office. The gentlemen who had been most prominent in shouting their approval of the "Constitutional stand" taken by Sir Charles Metcalfe, now suddenly discovered that Sir William Colebrooke's conduct in making this appointment, without consulting his Council, was a fearful outrage, and their distress was pitiable to behold. Several members of the Government, including such strong upholders of the prerogative as the

Hon. Robert L. Hazen of St. John, at once resigned their positions. A communication from three of them, Hugh Johnston, E. B. Chandler, and R. L. Hazen, addressed to His Excellency, gave as their reasons for resigning, that they could not justify the exercise of the prerogative of the Crown in respect to Mr. Reade's appointment, because they felt that the "elevation to the highest offices of trust and emolument, of individuals, whose character, services and claims to preferment, however, appreciated elsewhere, are entirely unknown to the country generally is prejudicial to the best interests of the Province." They did not, however, make it a ground of objection that the appointment of Mr. Reade was forwarded for the Royal approbation without the advice or concurrence of the council. These gentlemen evidently thought it was too early for them to eat the words in regard to the prerogative of the Crown, of which they had been so free a few months before. But they showed their true character, by deserting the Governor because he had been foolish enough to believe that their profuse expressions in favor of the Royal prerogative, were sincere.

Hon. L. A. Wilmot, who also resigned, sent a separate communication to the Lieutenant Governor, in which he stated that such appointments should be given to inhabitants of the Province, and not to a comparative stranger and a transient person like Mr. Reade. He also expressed the opinion that the principles of Responsible Government should be put in operation in New Brunswick, and that the Provincial Secretary should be brought into the Executive, and should hold a seat in one of the

Houses of the Legislature, his tenure of office being contingent upon the successful administration of the Government. When the House met, in the latter part of January, the Reade appointment immediately became the subject of discussion, and by a vote of 24 to 6, an address was passed to Her Majesty, the Queen, condemning the appointment, not as the members said, because they questioned "in the remotest degree the prerogative of the Crown or its undoubted right to make such appointment," but because they thought that the right of appointment had been improperly or unjustly exercised. In other words the members of the House of Assembly surrendered the principle that appointments should be made by the Governor, with the advice of his Executive, and only objected to the Reade appointment because, in their opinion, some one else should have been chosen. It is easy to see that in subscribing to this address, the members of the House stultified themselves, and cut the ground from under their feet; for if it was a part of the prerogative of the Crown to make appointments without the advice of the Council, surely the exercise of that prerogative, in the appointment of a particular individual, could not be fairly questioned. The result of the difficulty, however, was the cancelling of Mr. Reade's appointment by the Home Government. This decision was communicated to the House of Assembly by message on the 3rd of February, 1846. The despatch from the Colonial office, upon which the Lieutenant Governor acted, was written on the 31st of March, 1845, and must have been received by him at Fredericton not

later than the last of April. But notwithstanding this despatch Mr. Reade held office until the 17th of July, so it will be seen that Sir William Colebrooke was in no hurry to carry out the wishes of the home government. Lord Stanley, the writer of the despatch in question, expressed the opinion that public employment should be bestowed on the natives or settled inhabitants of the Province, and he thought that Mr. Reade did not come under this description. He closed his despatch with the following singular statement: "I observe with satisfaction, that the House of Assembly have not only abstained from complicating the subject with any abstract questions of government, but have rejected every proposal for laying down formal principles upon such questions. The House has, I think, in this course done justice to the earnest desire of Her Majesty, that the colonial administration generally should be conducted in harmony with the wishes of the people, whatever may be the variations arising out of the local considerations and the state of society in various colonies, subject to which, that principle may be carried into practice; and it is anxiously hoped, that the same wise forbearance which has led the House of Assembly to decline the unnecessary discussion of subjects of so much delicacy, may lead them also to regard the practical decision now announced, as the final close of the controversy, and to unite in the promotion, not of objects of party strife and rivalry, but of the more substantial and enduring interests of the colony which they represent." If these words have any meaning, they seem to show

that at that date, the British Government believed, the right of appointment to be in the Crown without reference to the Council, and that they were unwilling any general principle should be laid down by the Legislature of the Province which conflicted with this view. Even so late as the year 1851, the Colonial Secretary ordered the Lieutenant Governor to appoint Mr. Justice Carter, to be Chief Justice of the Province, and Mr. L. A. Wilmot, a puisne judge, without any reference whatever to the wishes of the council on the subject, and this order was obeyed. Such an easy acquiescence in claims which could not be defended on constitutional grounds, showed that even at that period, neither the British Government nor the people of New Brunswick, had grasped the true meaning of the constitution which was supposed to be in force in the Province. It was absurd to pretend that Responsible Government really existed in New Brunswick if the Crown could make appointments to the most important offices on its mere motion, and without consulting the wishes of the people or their representatives.

At the session of the Legislature in 1844, an act was passed to prevent the spread of leprosy in New Brunswick. This disease had existed among the French population of Northumberland for a number of years, and seemed to be making some advances. The act in question provided for the erection of a lazaretto, in which persons afflicted with leprosy could be confined, so that the infection would not be communicated to others. This lazaretto was soon afterwards established, and it continued to be

supported by the provincial government for about half a century. Recently it has been taken over by the Dominion authorities. It is remarkable that during this long period of time, the number of victims to this loathsome disease remains about the same, so that there does not seem to be any hope of it being speedily stamped out.

During the session, Mr. Hill of Charlotte, who was always an ardent friend of Responsible Government, succeeded in committing the House to a declaration in its favor. At his instance a resolution was passed, in which the House declared that it viewed with much satisfaction, the recognition and exposition by the Governor-General of the recently established system of Colonial Responsible Government as contained in his Excellency's late reply to the address of the warden and councillors of the Gore district in Canada West. This was passed by a vote of 21 to 5. Some of the members who voted for it appear not to have been aware that they had committed themselves to Responsible Government, for on the following day, Mr. End, who voted for the resolution, moved that it be expunged from the Journals. This was lost by a vote of twenty-one to nine. The majority included a number of men who had never before displayed any sympathy with Responsible Government, and who had but an imperfect understanding of what it signified.

It was at this session that the famous case of Doak and Hill disturbed the House of Assembly. These persons were proprietors of a newspaper called "The Loyalist", and they had been very free in their

criticisms of Mr. L. A. Wilmot and others, who opposed the address of the House to Sir Charles Metcalfe. It had been the custom of the House of Assembly to deal in a very summary manner, with persons who ventured to criticize the views of its members, and, in this instance, the attack made upon Mr. Wilmot was highly resented even by those who were not in sympathy with his views. A resolution was submitted to the House by Mr. Allen of York, and carried, that Doak and Hill be brought to the bar of the House for breach of privilege. This was done, and they were ordered to be imprisoned in York county jail. Mr. David S. Kerr, their legal adviser, made an application on their behalf to Mr. Justice Carter for a writ of Habeas Corpus, and the judge ordered their release. They immediately went back to the House of Assembly and exhibited themselves in the gallery, a piece of impertinence which fairly set the House wild with excitement. They even issued a second edition of their paper, in which they renewed their attack upon the House, and sent copies of this edition to be distributed in the House. This was setting the authority of the House at defiance, and it led to the matter being referred to the committee of privileges. This committee made a lengthy report, in which the right of the House to commit for contempt was affirmed, and expressed regret that the views of Mr. Justice Carter should have induced him to interpose for the relief of the avowed perpetrators of so atrocious a libel. Nothing more was done to Doak and Hill, but they brought an action against the speaker for false imprisonment

and recovered £200 damages. The Supreme Court of New Brunswick agreed with Mr. Justice Carter, in deciding that the House had no right to imprison individuals summarily for contempt. The exercise of such a power was certainly a most unwarrantable interference with free speech. Messrs. Hill and Doak were Tories of an extreme type, and their attack was made upon a reformer who was upholding correct constitutional principles in the House of Assembly, but they certainly had a right to protection in their criticisms of a public man, for his way of dealing with public questions. After the case of Doak and Hill, there was no pretence for the summary imprisonment of any one who ventured to differ from the House of Assembly. The fact that the House did nothing more than accept the report of its committee was explained on various grounds. Some thought it was because they really did not believe that the privileges of the House were so extensive as the report claimed, while others put their acquiescence on the ground that the offenders were upholders of the Family Compact.

The Legislature again met in January, 1845, and the Governor was able to congratulate the members on the great improvement that had taken place in the revenue, and the favorable change in the commercial prospects of the Province. He also congratulated them on the success of the measure for the inspection of parish schools. He expressed the hope that before the session ended, an improved system for the management of these schools should be adopted. He announced that Her Majesty's

Government had caused a survey to be made for a new line of road, to be carried through the Province of New Brunswick to Quebec, and he recommended that, in accordance with the instructions he had received, they give such facilities for the settlement of the lands adjacent to the line, as would provide for keeping open the roads when completed. This was done by an act passed during the session. Among the other acts of the session, was one to incorporate the St. John Gas Light Company, which was another proof that the old fashions were passing away, and that modern improvements were beginning to be introduced into the Province. The Governor was able to announce, that the act to improve the law relating to the election of representatives to serve in the General Assembly, had been ratified by Her Majesty in Council. The principal feature of this act was, that it reduced the time during which polls should be kept open for an election, to one day, and provided that a poll should be held simultaneously all over the county. This was an immense improvement on the old method by which the polls were kept open, first for fourteen days, and afterwards for eight days. The bill had been passed at the session of 1843, but it had taken Her Majesty's Council fourteen months to decide that it was a proper measure to be ratified. This necessity for referring almost every bill of importance to the Home Government, was a great nuisance, and to a large extent placed the Legislature of the Province at the mercy of a set of men who were wholly ignorant of its needs. No act passed by the Legislature, however necessary

its provisions might be, was certain of being approved by the Home authorities for they were largely influenced by the opinions of the Governor, and when the Governor happened to be a man like Sir Archibald Campbell, he was not likely to approve of any measure which seemed to interfere with his privileges, or to increase the power of the Legislature. Equally objectionable was the manner in which the Legislature was controlled by despatches from the Colonial Secretary, who might be a wise man and capable of giving sound advice, or on the other hand might be a man quite incompetent to give directions. In any case, the advice was certain to be given from an English point of view, and not from that of a resident of New Brunswick, and the best of men, living 3,000 miles away, could hardly be expected to understand the views of the people of a Province so remote and so little known.

At this session of the Legislature an act was passed for the amendment of the charter of King's College. This act did not, however, receive the ratification of Her Majesty in council, for nearly two years, so that the condition of affairs which it was designed to amend, existed until February, 1847. There were many complaints about the college from different quarters, but the most serious were those which were based on the character of its charter, which placed its entire control in the hands of members of the Church of England. The object of the amending act was to change this feature of the charter. The bill was introduced by Mr. Wilmot and passed the House by a large majority,

although violently opposed by a few members, who maintained that a Royal charter could not be amended by the Legislature. This ground was also taken by the governing body of the college, although they were receiving every year from the Legislature £2,200 for its maintenance. It met with considerable opposition in the Legislative Council but was finally passed. It provided that the Lieutenant Governor should be visitor of the College, instead of the Bishop; that the Chief Justice of the Supreme Court should be Chancellor; that the President need not be a clergyman of the Church of England, but should be a person appointed by the visitor, on behalf of Her Majesty. The College Council was to consist of the Chancellor, the President of the College, the Master of the Rolls, the Speaker of the House of Assembly, the Secretary of the Province, the Attorney General and nine other members, to be nominated by the visitor, and it was not required that these members of the Council should be graduates of the College or of any other University, or that they should be subjected to any religious test. The only professor connected with the College who was required to be a member of the Church of England was the Professor of Theology, but it was enacted that divine service should be held in the College according to the rites and ceremonies of the Church of England. If the Legislature of that day had possessed sufficient foresight to get rid of these two last provisions, there would have been nothing in the constitution of the College which could have been complained of, but the fact that there was a

chair of Theology, and that the services of the Church of England were maintained in the College, had the effect of largely neutralizing the advantages which should have accrued from the change in the governing board. The people still looked upon the College as a Church of England institution, and the result was that it never became a College of the whole people, as it should have done, and that rival institutions were set up which deprived it of students who ought to have attended it.

A great deal of the time of the session was taken up in the discussion of the Reade appointment, and a resolution, moved by Mr. Partelow, was passed that the Executive Council did not possess the confidence of the House nor of the country at large. This was carried by a vote of 22 to 9, and was the first instance of a vote of want of confidence being carried in the House of Assembly. The effect of the vote was not so great, however, as a similar vote at the present time. The Lieutenant Governor did not feel bound to dismiss his council in consequence of it, and no head of a department had a seat in the House of Assembly. The retirement of Messrs. Hazen, Chandler, Johnston, and Wilmot from the Executive Council in consequence of the Reade appointment, had reduced it to a very weak condition, its only representative in the House of Assembly being Mr. Simonds, who had to bear the whole burden of the obloquy which the Reade appointment had caused. The position of Mr. Simonds was somewhat peculiar, for he was compelled to withdraw from the advocacy of those principles of responsible government which he had

formerly supported. From that time forward he may be classed with the Conservatives, for he seems to have changed his views, not only with regard to the initiation of money votes, but also with reference to appointments to office.

During the session of 1846 a number of despatches were laid before the House of Assembly with regard to railways. At this time the question of uniting Halifax with Quebec by means of a railway, was beginning to receive attention and Mr. Gladstone thought it necessary to send some instructions to the Governor of New Brunswick, with regard to the principles which had guided Parliament in its railway legislation for England. No doubt these principles were sound, and perhaps such directions were necessary for a Legislature which was not accustomed to deal with railway matters, but there was as much in English railway legislation to be avoided as to be imitated, for it had been rendered enormously costly in consequence of the opposition of the land owners, who fought the railway bills in both Houses of Parliament. A despatch was also received from the Clerk of the House of Assembly of Nova Scotia, enclosing a resolution which had been passed in that body in favor of a railway to Quebec, and requesting the Governor to cause surveys to be made during the year. Upon this the House of Assembly passed a series of resolutions declaring that nothing would tend more to advance the prosperity of the British colonies of North America, to cement their union and preserve their integrity, as valuable appendages of the Crown, than a railway connecting the

Provinces of Canada, Nova Scotia and New Brunswick, and that this House would not be behindhand with their fellow-subjects, the people of Canada and Nova Scotia, in making such provision for this railway as the resources of the Province would warrant. These resolutions were carried by a very large majority. The action of Nova Scotia and New Brunswick in 1846, may be said to have been the foundation of the Intercolonial Railway, although nearly thirty years were to pass before the hopes of those who desired the construction of this road, were realized.

While the people and the Legislature were willing to support a railway that would unite Halifax with Quebec, those who lived on the River St. John favored a line which would go up the river from the city of St. John through Fredericton and Woodstock, to the boundary of the Province with Canada. Accordingly a company was incorporated at this session to construct this railway, but the act, like nearly all the important acts which were passed by the Legislature, had to be ratified by Her Majesty in Council. Another act was passed, granting whatever Crown land was required for the construction of the railway and also for its stations, houses and warehouses. In addition to this the sum of £7,500 was granted for seven years by way of subsidy to encourage the builders of the proposed railway. It is evident that the people of that time had a very imperfect idea of the cost of railways, as such a subsidy would be now looked upon as absurdly small. It is hardly necessary to state that no railway was constructed under this act.

The people of New Brunswick had to wait a long time for a line of railway from St. John to Quebec, by way of the St. John River; in fact this has not been realized up to the present day. After confederation, and, when the route of the Intercolonial railway by the North Shore had been settled, the Province of New Brunswick granted a subsidy of 10,000 acres of land a mile, to a company willing to construct a railway from Fredericton to the Quebec line. The railway was completed in the course of time, but it was years before a connection was made with a line coming from Quebec, and even since this was effected, the railway has never been operated as a through line. The Province gave nearly two million acres of the best of its timber lands, to establish a connection with Quebec by way of the St. John River Valley, yet the object for which the railway was constructed has been wholly defeated.

An attempt was made by Mr. Brown of Charlotte to pass a school bill, by means of which a Normal or Training school should be established for teachers. At that time the schools of the Province were extremely defective. It might have been supposed that a bill which would have the effect of obtaining better teachers would have been readily agreed to, but after a long debate, in the course of which almost every phase of the school question was discussed, the measure was rejected. In the course of the discussion, several members expressed their willingness to support a bill which would tax the property of the country for the support of the schools, but a quarter of a century was destined to pass away before this result was obtained.



GOVERNORS OF NEW BRUNSWICK.

Sir Leonard Tilley
Hon. John Boyd
Hon. R. D. Wilmot

Hon. J. B. Snowball

Hon. E. B. Chandler
Hon. A. R. McClellan
Hon. L. A. Wilmot

Another matter which occupied much attention during the session was the proposal to give a retiring pension to Judge Botsford. This Judge had become somewhat hard of hearing, so that he thought it his duty to resign his position on the bench. His resignation had been handed in with the understanding that he was to obtain a retiring allowance, but to carry out this understanding it was necessary that a pension should be voted to Judge Botsford by the House of Assembly. This the House refused to do by a vote of 15 to 13, on the ground that the allowance of a retiring pension to public officers could not be justified by any system of sound policy and was uncalled for in a new country like New Brunswick. This vote did not do any credit to the House which passed it, for Judge Botsford certainly would not have resigned if he had not been given to understand that he would receive a retiring allowance. He was succeeded on the Bench by George Frederick Street, one of the principals in a duel when Mr. George L. Wetmore was killed. Mr. Street was also hard of hearing so that the Province did not gain much by the change of judges.

An attempt was made at this session of the Legislature to obtain a grant of money in aid of individual subscriptions for the purpose of erecting a monument in St. John to commemorate the landing of the Loyalists in 1783. The person who took the lead in this matter was Mr. Partelow, but after a long debate, the resolution was rejected. Among those who voted against it were members who were descendants of the Loyalists. Although

the erection of some memorial to the Loyalists had been frequently discussed, it had never yet been realized, because the persons promoting it could never agree as to what kind of a monument would be required. Perhaps the best monument of the Loyalists is the Province itself, which would never have had a separate existence but for their coming in 1783.

A singular illustration of the imperfect condition of the Provincial constitution was brought to light at this session. When the casual and territorial revenues were transferred to the Province, it was thoroughly understood that the money arising from them was not to be expended without the consent of the Legislature, yet in 1845, Governor Colebrooke, acting under the authority of the Colonial Secretary, expended about £3,000 out of the surplus civil list fund, for the purpose of surveying the Crown lands in Madawaska. At the time this despatch was received, some information in regard to its character leaked out, and, at the session of 1845, it was asked for by the House, but never laid before them until a whole year had elapsed. At that time the Government of the Province consisted of three members only, Messrs. Simonds, Allen and McLeod, all the others having resigned, and these gentlemen were made the object of a very vigorous attack, for their conduct in advising the Governor to hold back this information. The Governor himself was severely censured for his unconstitutional course, and a resolution was passed by a vote of 20 to 2, declaring that the appropriation was wrongfully made and that, as it was expended for national purposes, it ought to be refunded.

Under the operation of the act which limited the term of the House of Assembly to four years, a new election was held in 1846. This was the first time that the law, which limited the time of holding elections to a single day, was in operation, and it worked in a very satisfactory manner and greatly lessened the amount of rioting and drunkenness which used to prevail under the old system. A great deal was said by the candidates, on the hustings, on the questions of economy, loyalty and reform, but the new House of Assembly did not differ very greatly from the old. Messrs. Wilmot and Fisher were elected for York, in company with two opponents of reform, Messrs. Taylor and Baillie. Mr. Simonds ceased to represent St. John, but his place was well taken by William J. Ritchie, a vigorous Reformer. The County of Albert, which had been set off from Westmorland, was now for the first time represented in the Legislature. Among the members for Westmorland was Amand Landry, a representative of the French Acadians. He was not the first of that race to sit in the House of Assembly for Joshua Alexandrie, a French Canadian, had represented Gloucester in the previous Legislature. It was a proof of the growing influence of the French Acadians that they were beginning to send men of their own race to the Legislature, instead of having to entrust their interests to others who did not understand their needs or sympathize with their views.

The Legislature met in January, 1847. In his opening speech, the Governor was able to congratulate the members on the abundance of the late harvest

which had relieved the pressure on the agricultural classes, caused by the failure of the potato crop in the previous year. He directed their attention to the improvement of the parish schools, the establishment of a telegraph line from Halifax to Quebec, and the improvement of the prisons of the Province. As the reformers were still in a minority in the House, Mr. Weldon was again elected Speaker. A singular incident was the election of the Honorable Hugh Johnston, who was a member of the Legislative council, to a seat in the House of Assembly, as member for Queens. This matter was referred to the committee of privileges, who reported that as Mr. Johnston was a member of the Council he was not eligible to hold a seat in the House. At this time the Executive council consisted of five members, the Honorable George Shore, Hugh Johnston, Edward B. Chandler, Robert L. Hazen, and Charles J. Peters. All these gentlemen, with the exception of Mr. Hazen, were members of the Legislative council. The mixed condition of public affairs, and the vague opinions that were entertained with regard to responsible government, may be judged from the fact that neither the Provincial Secretary, the Receiver General, nor the Solicitor General were members of the Executive. In fact, the only paid member of the Executive council was the Attorney General. Yet some members of the Legislature actually thought with Mr. Brown of Charlotte, that responsible government was actually in working order in the Province.

During the session the Executive Council was filled up to the number of eight, by taking in the

Surveyor General, Mr. Rankine of Northumberland and Mr. Hill of Charlotte. This was an improvement, because the Surveyor General had an accurate knowledge of the Crown lands of the Province and was well fitted to advise the Governor in regard to them. Mr. Rankine was a gentleman of high character, with an excellent standing in the commercial world, while Mr. Hill, who had formerly been a member of the House of Assembly, was a gentleman of liberal views and a sincere friend of Responsible Government. Mr. Hill, however, was not a member of either branch of the Legislature at this time, so that his appointment to the Executive Council was not in accordance with the usages of the present day. The composition of the new Council was much criticized by the new members of the House, particularly by Mr. Ritchie, who was a powerful addition to the debating talent of that body. Mr. Hazen of St. John, had to bear the burthen of the Government, he being the only member on that side of the House of Assembly, who had any ability as a Speaker. But he had behind him a solid mass of voters, so that although the oratory was decidedly against the Government, the votes were always in its favor. Mr. Fisher moved a resolution, declaring it to be the opinion of the House that the administration should, from time to time, prepare and bring before the Legislature such measures as might be required for the development of the Provincial resources, and the general advancement of the public interests, and also that the executive should be so constructed as to combine the talent and experience necessary for

the efficient performance of the important duties required of them, and so also as to obviate the necessity of an organization of any antagonistic political parties in the Province. To this Mr. End moved an amendment that it was not constitutional to resign the initiation of money grants into the hands of the Executive Council. A long debate followed and it ended by the defeat of Mr. Fisher's resolution by a vote of 23 to 12, Mr. End's amendment having been withdrawn.

There was a great deal of railway legislation this year, the acts incorporating the St. Andrews and Quebec Railway Company being amended, and also the act incorporating the New Brunswick Railway Company. The House voted a loan of £50,000 to the St. Andrews and Quebec Railway on which interest at the rate of 5% was to be paid. A company was also incorporated for the purpose of building a railway across the Isthmus of Chignecto. The British North American Electro Magnetic Telegraph Association was also incorporated. This had for its object the construction of a telegraph line between Halifax and Quebec, passing through the cities of Fredericton and St. John. These measures showed that the country was becoming awake to the improvements that were being introduced into other lands, and that the people were no longer content with the facilities for travel and intercommunication which they then enjoyed.

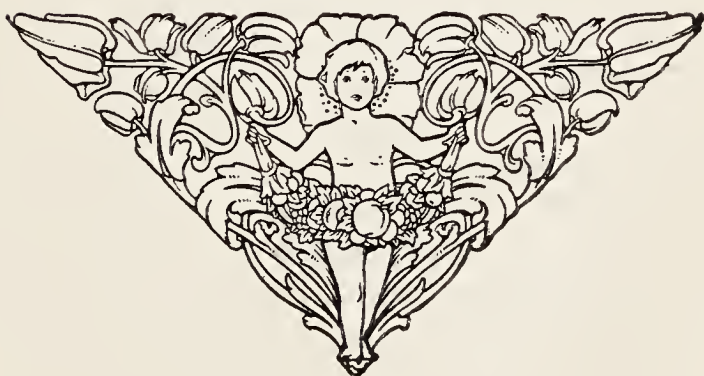
A new act was passed for the support and improvement of parish schools, which provided for the appointment of trustees for each parish, whose duty it should be to divide the parish into as many

school districts as were found necessary. The Lieutenant Governor and the Executive Council were constituted into a provincial school board, and endowed with authority to establish a training school at Fredericton, at which licensed teachers might be trained for the work of education. A Model School was also to be established, in connection with the training school. The object was to introduce a uniform system of teaching throughout the Province, and to have teachers classified according to their ability. All trained teachers were required to obtain a license before engaging to teach in any district. Two inspectors were appointed, whose duty it was, once a year, to inspect every school in the Province. Untrained teachers might be continued as teachers for a limited period, but their remuneration was less than that of the trained teachers. Each school that employed a teacher of the first class received from the Government £30 per annum; for the second class the Government money was £22; and for teachers of the third class £18. This law placed the schools of the Province on quite a new footing, and although it was far from being perfect it was a great improvement on former school laws. It was the basis of a system which endured until the free schools came into operation.


This year an extraordinary immigration took place from Ireland, as a consequence of the famine which had arisen in that country from the failure of the potato crop. The immigration to St. John had been steadily increasing and in 1846 had arisen to the large figure of 9,000, but the year 1847 saw even

this large number surpassed and most of the people who came were almost entirely destitute. The people of the Province early in the year had learned of the distress in Ireland and about £1,500 was collected in St. John to alleviate it. The Legislature of the Province made a grant of £1,500 sterling, and considerable sums were received at Miramichi and elsewhere. The immigration ships began to arrive at St. John in May, and it was found that most of them had buried some of their passengers at sea who had died of typhus fever. The passengers of these fever infected ships were placed in quarantine on Partridge Island, but the buildings there were quite inadequate for their accommodation. In June, 35 vessels arrived with 5,800 passengers on board, of whom nearly 200 died in quarantine, and on Partridge Island, Dr. Collins, one of the medical men stationed on the island for the purpose of attending the patients, took the fever himself and died. An hospital was established in the city in a building which had been an alms house, and there 660 patients were under treatment. When the hospital became too crowded, the sick immigrants were housed in sheds at the south end of the city, near the Marine Hospital. In July, upwards of 400 immigrants arrived, with many sick passengers. The efforts of the authorities were strained to the utmost, to grapple with that terrible infliction. Altogether 15,000 Irish immigrants were landed at Partridge Island during the year; about 800 died on the voyage, and about 600 at the quarantine hospital, after being landed, The number of deaths at the Poor House hospital in the

city, was 595, while many, of whom no record was kept, died in the sheds and in lodgings. The total mortality during the year among the immigrants, was thus upwards of 2,000, a fearful record, when it is considered that those poor people were victims of famine, and that the disease of which many perished, was the direct result of being crowded in ships while in a low state of health, and in consequence of lack of food and exposure. More than half a century has passed since the last of these sufferers died on Partridge Island, but the people of St. John and of the Province generally are not likely to forget the terrible year of the fever, which was only surpassed in its dire effects by the outbreak of cholera a few years later.



CHAPTER XXXII.

HE Legislature met in 1848, on the 19th of January. The speech of the Lieutenant Governor congratulated the Province on the improvement in education which was likely to result from the new school law, and stated that the Government had undertaken to obtain the services of a competent teacher for the Model and training school. He informed them that a communication had been received from the Imperial Government respecting the railway survey through the Province. He stated that a deputation from the several Provinces had met at Montreal during the previous year, on the invitation of the Governor General, to consider the proposal from the Imperial Government for the transfer of the general post office, and the introduction of a uniform system and rate of postage, and he expressed no doubt that this important measure would be satisfactorily accomplished. He referred to the repeal of the Imperial duties, which had been brought about during the previous session, and to the charges incurred for the care of the sick and destitute immigrants.

During the previous year the Lieutenant Governor of Nova Scotia had received a despatch from Earl Grey on the subject of the tenure under

which the public offices should be held. A copy of this despatch was asked for by address, and it was brought down and laid before the Legislature. It proved to be a lengthy document, which entered very fully into the principles which should regulate the tenure of office in the British colonies, which enjoyed the advantage of possessing Legislatures. Earl Grey expressed the opinion that the colonies should follow the example of the mother country, and that heads of departments should be members of the Legislature, and hold their offices only as long as they enjoyed the confidence of Parliament. With regard to the number of public offices which ought to be regarded as political, he left that to be determined with reference to various considerations arising from the exigencies of the public services. He thought that the Attorney General, Provincial Secretary, and Solicitor General should come into the category, and also that the chief of the department of public lands might be a political officer. He expressed the opinion that, where public officers had been appointed under a belief sanctioned by custom, that they held their office during good behavior, it would be unjust to change the tenure to one of dependance on a parliamentary majority, without insuring them a provision that would make up for the loss of official income. With regard to the duties of the Executive Council he quoted a despatch, written by Lord Sydenham to Lord John Russell in 1840, which is as follows :

“The functions of the Executive Council on the other hand, are, it is perfectly clear, of a totally different character; they are a body upon whom

the Governor must be able to call at any or at all times for advice—with whom he can consult upon the measures to be submitted to the Legislature—and in whom he may find instruments, within its walls, to introduce such amendments in the laws as he may think necessary, or to defend his acts and his policy. It is obvious, therefore, that those who compose this body, must be persons whose constant attendance on the Governor can be secured; principally, therefore, officers of the Government itself—but when it may be expedient to introduce others—men holding seats in one or other House, taking a leading part in political life, and above all, exercising influence over the Assembly.”

“The last, and in my opinion by far the most serious defect in the Government, is the utter absence of power in the Executive, and its total want of energy to attempt to occupy the attention of the country upon real improvements, or to lead the Legislature in the preparation and adoption of measures for the benefit of the Colony. It does not appear to have occurred to any one that it is one of the first duties of the Government to suggest improvements where they are wanted:—that the Constitution, having placed the power of Legislation in the hands of an Assembly and a Council, it is only by acting through these bodies that this duty can be performed:—and that if these proper and legitimate functions of Government are neglected, the necessary result must be not only that the improvements which the people have a right to expect, will be neglected, and the prosperity of the country checked, but that the Branch of the

Legislature will misuse its power, and the popular mind be easily led into excitement upon mere abstract theories of Government, to which their attention is directed as the remedy for the uneasiness they feel."

Mr. Fisher, who was always prominent in his advocacy of responsible government, moved a resolution, when the despatch of Earl Grey was being considered in committee of the whole House, that the House should approve of the principles of Colonial Government contained in it. Mr. Hazen and other members of the Government, and their supporters in the House of Assembly, contended that there was no need of a resolution affirming the principles of the despatch, because these principles were admitted and would be acted upon according to the mandate of the Colonial Office, but after a long debate the resolution was passed by a vote of 25 to 11. The names of the members who voted against this declaration in favor of responsible government were Messrs. End, Barbarie, Taylor, Miles, McLeod, Gilbert, Thomson, Carman, Vail, Botsford, and S. Z. Earle. All the members of the Government who were in the House, and the Speaker, who was certainly not a friend of responsible government, voted for it. The influence of the Colonial Office was powerful with them at that period, and they did not consider it prudent to set themselves in opposition to a despatch emanating from that quarter.

It is one thing to pass a resolution in favor of the principles of responsible government, and another to carry it out. To make it effective required

legislation, and no legislation was enacted at that session to facilitate the object to which the resolution related. A reconstruction of the government was therefore demanded, and it was thought that a sufficient number of liberals should be admitted to balance the conservative portion of the administration. This was the issue on which Messrs. L. A. Wilmot and Charles Fisher stood, and if they had continued to press their demand it could not have been refused. But unfortunately for themselves and their party they were persuaded to enter the government without having any other support and being but two men against seven their influence was nullified. Attorney General Peters had died some months before, and Mr. Wilmot succeeded him as Attorney General, while Mr. Fisher went into the government without office. The other members of the government were the Honorable John R. Partelow, who held the office of Provincial Secretary; William Boyd Kinnear, who was Solicitor General; Robert L. Hazen, Edward B. Chandler, Alexander Rankin and George S. Hill. This was an improvement on former administrations because it contained two liberals and also because five of the Executive Council were members of the House of Assembly; but it was defective, from the fact that the head of the Crown land department, the Honorable Thomas Baillie, was not subject to political changes, but held his office without being a member of the government. Evidently no system of responsible government could exist, while one of the most important offices in the Province was held by an individual who had

received his appointment a quarter of a century before from the Imperial Government, because he could not be removed as a result of any change of government. There was much indignation among the Liberals at what was considered to be the desertion of Messrs. Wilmot and Fisher, and certainly these gentlemen were open to censure for having acted as they did. In their case their desire to advance themselves to power, seems to have overweighed their sense of the fitness of things, for they were the leaders of the Liberal party, and all the advocates of reform looked to them for guidance. However something was gained by having it admitted that the old order of things had come to an end, and that a man should not be excluded from power because he held advanced views and advocated reforms in the constitution.

The Legislation of the session of 1848, included an act, granting £5,100 to be distributed in the several counties of the Province, for the purpose of relieving the distress due to the failure of the potato crop and to procure seed. There was also an act to authorize a census of the population of the Province and one to incorporate the city of Fredericton. An act was passed to authorize the exploration and survey of a line of railroad between Shediac and the city of St. John. This line of railway was very much favored in St. John, because it was believed that it would be a means of bringing the trade of the counties bordering on the Gulf of St. Lawrence to that city. It was in fact the first railway completed in the Province, and was the means of largely increasing the business of St. John.

Sir William Colebrooke ceased to be Lieutenant-Governor of New Brunswick in 1848, and was succeeded by Sir Edmund Walker Head. This gentleman was the first Governor of New Brunswick who was not a military man. He was the heir to a baronetcy, and had been a distinguished scholar at Oxford, where he was appointed University examiner. He afterwards became one of the poor law commissioners, from which position he was elevated to the Governorship of New Brunswick. Sir Edmund Head, was an author, having written a "Hand Book of Spanish Painting." His tastes were literary rather than military, and he would have been a popular Governor, if it had not been for certain peculiarities of temper. He looked with something like contempt upon the squabbles of our Provincial politicians. There is no doubt that Sir Edmund Head saw with a clearer eye than most of his predecessors, but he lived at a time when to tell the truth about the political condition of the Province, was not calculated to make him friends.

The new Governor met the Legislature for the first time on the 31st of January, 1849. He referred in his speech to the manner in which the supremacy of civil power in the mother country had been maintained, and he expressed satisfaction that the British Empire had been spared the tumult and bloodshed which had vexed other nations. The previous year had been one of revolution in Europe, and if Great Britain escaped that calamity, it was simply because the people believed that they could obtain what they wanted without a resort to force. Even as it was, the Chartist demonstration

gave the authorities a great fright, and made it necessary for them to make elaborate preparations to preserve the peace of the capital. Most of the principles for which the Chartists contended are now acknowledged in England and acted upon, so that we may look back with some surprise and amusement at the treatment they received half a century ago.

Sir Edmund Head referred to the efforts which other countries were making to facilitate the construction of railways. He told the Legislature that the report of the survey of the proposed line between Halifax and Quebec had been completed and would be laid before them, and expressed his belief that the destiny of this Province was involved in this question more than in any other which he could name. This statement was much criticized at the time, but it was nevertheless true, and it shows that Sir Edmund Head had statesmanlike views and was far in advance, not only of most of the people of the Province, but of a majority of the statesmen of the mother country. There is no question in connection with the British colonies of North America, in regard to which British statesmen have displayed so much narrowness and meanness, as the construction of the Intercolonial Railway. The people of Canada owe nothing to the British Government in connection with this important work, which is so essential to the unity of the Empire. Great Britain, instead of taking the lead in its construction and assisting liberally, acted throughout a mean and narrow part, and not only threw the burthen of the railway on the colonies

but imposed such restrictions on the route to be followed as have rendered it much less useful and infinitely less profitable than it would otherwise have been.

Sir Edmund Head expressed the belief that the future prosperity of the North American colonies depended largely on the construction of railways and that no sacrifice which tended to secure their construction would ultimately be found too great. He promised to lay before the Legislature certain despatches relating to the public expenditures of the Province, and the mode in which the duties for the purpose of raising a revenue should be imposed. The despatches to which the Governor referred were laid before the House at a later day and were three in number; one censured the House of Assembly for expending more money than its revenue, as if this had not been done frequently by the British Parliament; the other stated that the instructions conveyed by Lord Stanley on the 24th of June, 1843, to the Governors of the colonies, forbidding the imposition of differential duties in revenue bills were still in force, while the third condemned the act of the previous session imposing such duties and instructed the governor not to consent to any future act of that kind. These despatches were afterwards dealt with by the House in Committee, and a resolution passed expressing the opinion that, in preparing the revenue bill, such duties should be imposed that articles of provincial growth and manufacture might be protected, and the industrial resources of the province receive such Legislative encouragement as would afford

employment to the productive industry of the inhabitants.

The report of Major Robinson, who was the engineer employed to survey the Halifax and Quebec railway, was laid before the Legislature at a later day and was accompanied by some observations made by the commissioners of railways. These gentlemen, who dated their communication from Whitehall, threw cold water on the Inter-colonial Railway project, pointing out that it would not be profitable for many years, if ever, and in other ways discouraged it. It never seems to have entered into their imaginations that there was any other question involved in this matter except the payment of a dividend upon the capital expended for railway construction. Major Robinson estimated the cost of the road from Halifax to Quebec at £5,000,000 sterling. There was nothing very encouraging in the despatches with regard to anything being speedily done to bring about the construction of this important work, and New Brunswick had to wait a long time before the hopes that were felt with regard to it were realized.

Among the changes which took place in the House of Assembly at this session was the removal of the Honorable Robert L. Hazen to the Legislative Council. Mr. Hazen was a man of ability, who had made a considerable figure in the House of Assembly while he was a member of that body, and who was an excellent representative of that conservative spirit which, while not exactly in line with ancient Toryism, was still opposed to many changes which progressive men desired. Mr. Hazen

belonged to a family which was wealthy and influential, and which had enjoyed many favors from successive Governors. It was therefore natural that he should look at the old order of things with an indulgent eye, and that he should desire its continuance. Had he been a man of more energy or ambition he might have proved a formidable opponent of reform, but by going into the Council he abdicated his position as a party leader and lost his influence. Mr. George S. Hill, who had been a member for Charlotte, became a member of the Legislative Council at the same time. The resignation of Mr. Hazen made it necessary to hold an election in St. John. Three candidates were in the field, Mr. Ansley, who was a Protectionist ; Dr. Livingstone, a leading Liberal ; and Mr. Charles Watters, a Roman Catholic, who afterwards became a prominent member of the Liberal party. The election resulted in the return of Mr. Ansley, which would seem to indicate that a majority of the St. John voters believed in the principles of protection.

At this session something like a budget was introduced by the Provincial Secretary, who made a statement dealing with the financial operations of the Province. The revenue that year was about £100,000, and the debt of the Province amounted to £107,000. A new revenue bill was introduced, which imposed a scale of duties which would now be regarded as very low, but which provoked a great deal of discussion. At that time the subject of a reciprocity treaty with the United States was being agitated, and the merchants of St. John were

extremely anxious that New Brunswick should share in the benefits of any treaty in which Canada and Nova Scotia might be included. They transmitted a petition to the Lieutenant Governor requesting him to send a delegation to Washington to urge that New Brunswick be included in the proposed reciprocity treaty. The Governor had no power to do this, but he sent the petition to England where it produced the desired result, and in the course of time a treaty was made with the United States, in which the products of New Brunswick were included. Several years, however, were to elapse before this was brought about.

The question of salaries of public officers engaged the attention of the Legislature at this session. It was almost universally believed that the salaries, which were settled under the civil list bill, were altogether too high, and efforts from time to time were made to have them reduced. The agitation for reduced salaries had gone on for a number of years, but the British government refused to allow any reduction to be made in the salaries of the persons then holding offices. It was, however, competent for the House to deal with the salaries of future incumbents of public offices, and this was done. Another bill which caused a good deal of discussion was one which was introduced by Mr. Fisher for vacating the seats of members who accepted office. Mr. Fisher's bill provided that the Provincial Secretary, Attorney and Solicitor General, Surveyor General and Provincial Treasurer should be obliged to vacate their seats in the House of Assembly on accepting

office. It was afterwards modified so as to apply to all offices of profit or emolument under the Crown. This was a highly necessary reform, and put an end to the scandal of men sitting in the Legislature, while enjoying the emoluments of offices to which they had been appointed by the Government.

The question of free trade and protection came up in a practical fashion in the course of a discussion in the House of Assembly in regard to the imposition of a duty on flour. A number of mills for grinding flour had been established in St. John as the result of the high Imperial duties, which at one time imposed a dollar a barrel on flour. When the Imperial duties were abolished the millers demanded protection from the Legislature, and Mr. Partelow proposed a specific duty of 2s. a barrel. This was adopted, after a vigorous protest on the part of those who did not believe in taxing the bread of the people. Such duties have never been popular in New Brunswick, although they have been imposed from time to time for the purpose of favoring special interests.

The most important matter brought before the House during the session was perhaps the St. John and Shediac railway. An influential delegation was sent up from St. John to meet the Government and ask for legislative aid for this important public work. At that time St. John was in a very bad way financially. Its business was dull, its people were out of employment and its prospects looked very gloomy. It was thought that the building of this railway would restore its lost prosperity. The

committee represented to the Government that the cost of the railway from St. John to Shediac would not be more than £500,000, which was less than half what it actually cost when completed. It was hoped that the Legislature would give substantial aid to assist in building this road but these hopes were disappointed. There was great indignation in St. John when it was learned that the Shediac railway scheme had failed. A public meeting was held in which the speakers gave vent to their indignation at the manner in which this line had been treated by the House of Assembly. A petition was also numerously signed to the Lieutenant Governor, expressing the disappointment of the people at finding that majorities of the House of Assembly had rejected all measures that had been brought forward during the session for the furtherance of objects so desirable. The truth of the matter was, there was too much local feeling in the Province to enable the House to express itself strongly in favor of any railway scheme. The people who lived up the River St. John thought that they had no interest in a railway to Shediac, while the people of Charlotte favored a railway from St. John to the border of Maine. A resolution was passed, pledging the Province to take stock in the St. John and Shediac railroad company to the extent of £150,000, but the House refused to do more than this, or to take up the construction of this road as a Government work. It must be admitted that the poverty of the country and the sparseness of its population had a strong tendency to discourage railway building, so that the

progress that has been made since in constructing these extensive public works may well excite our admiration.

The House of Assembly agreed to a resolution, moved by Attorney General Wilmot, proposing a grant to the Home Government of £20,000 a year for twenty years, and ten miles of land on each side of the line for the building of a railroad from Halifax to Quebec. This was carried by a very large majority. The grant of land was a very large one, much larger than the Province could afford to give, but it was not the means of inducing any capitalist to embark in the enterprise. It was reasonably certain that any line of railway between Halifax and Quebec would have to be built by the Governments of the respective Provinces, not so much as a commercial speculation as for the benefit of an Imperial policy.

Before the close of the session of 1848 a despatch was received from the Colonial Secretary in reference to an act which had been passed by the Legislature to encourage the raising and dressing of hemp. This act granted a bounty for the cultivation of hemp in the Province. Earl Grey informed the Governor that, as it was for but a limited term and its disallowance would occasion inconvenience and loss to those who had embarked their property in the cultivation of hemp, he would allow the act to come into effect, but he instructed him to withhold his assent from any bill which might hereafter be passed by the Provincial Legislature, involving the same principles. The Legislature and people of New Brunswick were not to be

allowed to pay out their own money for the encouragement of industries which they thought ought to be established in their midst, but had to be under the dictation and control of a gentleman who lived 3,000 miles away, who had no difficulties to contend with or no cares on the subject which engaged the undivided attention of most people, "how to gain a living," but who was enjoying the estates which he had inherited from his ancestors. The absurdity involved in this restriction on the freedom of the Legislature requires no comment. The British Government had adopted a new principle with regard to its legislation and it was resolved that all the colonies should follow in the same path. New Brunswick could not grant differential duties nor assist in enterprises which could not be established without legislative aid. In the meantime the discriminating duties which gave the colonies an advantage in the British markets for their products, had been repealed. Colonial timber was now placed on the same footing as timber from a foreign country, and the Navigation laws, which had been looked upon as the bulwarks of Great Britain's prosperity, were swept away by legislation. Earl Grey's despatch was not discussed until the following session when an address was passed to the Queen, asking her Majesty to direct that the instructions contained in this despatch might be reconsidered. In this address it was stated very truly that in a new colony like New Brunswick, where capital was scarce and the natural resources of the country but little developed, it might become in many


instances necessary to encourage, by legislative bounties, the embarking of capital and industry in undertakings and pursuits which, however beneficial and profitable they might appear in theory, had not been practically tested. A reply to this address was laid before the Legislature at the session of 1850, refusing the request contained in it. This was an ungracious way of dealing with a loyal and faithful Province, and it is not surprising that it produced much dissatisfaction. There has been no period in the history of the British Colonies of North America when the tie between them and the Mother Country was so near being broken as during the years 1849 and 1850. Not content with placing the Colonies on the same footing as foreign countries, they were restricted from passing such Legislation as they thought necessary to their prosperity, by a set of leisurely gentlemen who knew nothing about their needs and requirements.

There was a strong desire at this period among the people of New Brunswick to place the Province in a better position with respect to its agriculture. It was felt that with so many acres of fertile soil it was not creditable to the people of the Province that they should have to depend to so large an extent on other countries for their supply of food. This was a consequence of so large a portion of the people giving their attention to lumbering which demanded large supplies of food and withdrew so many strong hands from the pursuits of agriculture. One of the last acts of the Legislature in 1850, was to request the Lieutenant Governor to invite Professor Johnston, an eminent scientist, to

visit the Province for the purpose of examining the several counties and reporting on the soil and its capabilities for agricultural purposes. Professor Johnston visited the Province during that year and went over a considerable portion of it, and his report on the agricultural resources of New Brunswick was presented at the next meeting of the Legislature and ordered to be printed. It was highly favorable, and showed that the Province was capable of sustaining a large agricultural population. Professor Johnston classified the different soils of the Province and made an estimate of the productiveness of each. His report is a valuable document, and although it cost New Brunswick £1,000, it is well worth the money.



CHAPTER XXXIII.

HE Legislative session of 1850 opened on the 7th of February. The speech of the Lieutenant-Governor referred to the changes which had taken place in the navigation laws of the Mother Country, and expressed the opinion that their effect on New Brunswick would not be injurious. He referred to the desirability of having increased facilities for trade between the British North American colonies. He expressed the opinion that there should be a survey of the River St. John with a view to the improvement of its navigation. He also referred to the schools of the Province and the necessity for improving the revenue laws. He thought that any uncertainty in them must be very injurious to the shipper and importer, but he disclaimed any intention of suggesting any course which would imply a diminishing control over the taxation of the Province by the representatives of its people. His idea was that the revenue bill, instead of being changed from year to year, should be passed for a term of years, so that merchants and others who were engaged in importing, would know what to expect.

His Excellency also spoke of the recent changes in the position of the Governor with reference to the Legislature, stating that the undisputed right to originate money votes was vested in the House

of Assembly, and that the members of the Executive Council practically retained their seats only so long as they should continue to enjoy the confidence of the people. He expressed the belief that it was most desirable to define more accurately the responsibility attaching to the initiation of the money votes, and this could only be done by throwing such responsibility on the Executive Government. This matter came up at a later day, and a resolution moved by Mr. Woodward of St. John, declaring the existing system of granting money to be such as to encourage extravagance and improvident appropriations, and declaring that the right of initiating money grants should be conceded to the Executive Government, and the practice of the Imperial Parliament in this respect adopted. This was met by an amendment by Mr. End, declaring that the right of originating money grants was inherent in the representatives of the people, and that the surrender of such right would amount to a dereliction of public duty and ought not to be entertained by the House of Assembly. This amendment was carried by a vote of sixteen to eleven. Thus an important principle connected with the working of responsible government was rejected, it is to be hoped mainly through ignorance of the true meaning of executive responsibility.

The great difficulty with the government at that time was that being a coalition, it had no well defined policy. Its members held entirely opposite views, not only with respect to the initiation of money votes, but on many other questions. Constituted as it was, it was impossible that it should promote any

valuable legislation. Every member had a fad of his own which he desired to ventilate. Almost the only question on which its members were united was in condemning Earl Grey's despatch against granting bounties on the growth of hemp. A discussion arose on this question, in which almost every member took part, and, if Earl Grey had chanced to be present, he would have learned that not even a colonial minister can claim exemption from censure. At the instance of Mr. R. D. Wilmot a bill was passed granting bounties to the extent of £3,000 to the fisheries and other industries. This was directly contrary to Earl Grey's instructions to the Lieutenant-Governor, and if it had passed the Legislative Council, Sir Edmund Head would have been bound to refuse his assent. A conflict was avoided by the bill failing in the Council, but the feelings of the members of the House of Assembly on the subject were not less freely expressed. The loyal feelings of the people of New Brunswick had been outraged by the action of the British government with respect to provincial legislation, and a reproduction of some of the speeches then delivered in the Legislature would be an instructive lesson as to the extent to which the loyal feelings of men are influenced by the treatment they have received in public matters.

Sir Edmund Head, at an early period of his term as Governor, had begun to study the condition of the province with a view to its improvement and in a despatch to Earl Grey which has been made public, he stated the result of his observation. He came to the conclusion that the reason why the

State of Maine was more prosperous and more progressive than New Brunswick was, not because of its protective duties, but from the fact that it enjoyed free trade with the whole United States. He also thought that the township organization and the habit of managing their own local affairs, which had been fostered in the New England States, had introduced habits of self reliance and self government which promoted their prosperity. Sir Edmund Head found the people of the Province to be shrewd and sharp enough, but they had been kept back by their habit of relying on the Government for the management of their roads and schools, and had been taught to look to the Executive Council and the Legislature for help in every emergency. These observations were correct and show that Sir Edmund Head was a shrewd observer. He did not perhaps understand to what an extent the people of New Brunswick had been kept in a state of political infancy by Lieutenant Governors, sent out from England, being given the power to govern them without their consent and by the Colonial Office undertaking to control their legislation by means of despatches in which they were periodically lectured by the Colonial minister. Sir William Colebrooke and Sir Edmund Head had both regretted the failure of attempts to establish municipal institutions throughout the Province, but they perhaps did not discern that this failure was due to the influence of the magistrates in sessions, who did not like to be deprived of their power of controlling the affairs of the counties. These magistrates naturally resisted every improvement,

which they denounced as innovations, and they were supported generally by the Legislative Council. The system of county government was as bad as possible, because the magistrates were not responsible to any person. The condition of the county accounts was never made public, and it was not until a comparatively late period in the history of the Province that the grand jury obtained legislative authority to inspect the county accounts. Municipal institutions came in the course of years but not till long after Sir Edmund Head had taken his departure from the Province. Since then the influence of the people upon municipal government had been strengthened by the incorporation of most of the towns in the Province, so that the people have an opportunity not only of knowing how much of their money is being spent but of directing the expenditure.

During the session there was a notable debate on a series of resolutions introduced by Mr. Wark, a member for Kent, in which it was declared that the tendency to advance the manufacturing interests of the Mother Country at the expense of Colonial interests was so apparent as to create alarm and distrust and to lead to the conviction that the interests of the Province were no longer secure in the hands of a legislative power over which the people of New Brunswick could exercise no constitutional control; and that the well being of the Province required that the powers of its Legislature should be greatly enlarged. This resolution was lost by a vote of 24 to 12, but another resolution was carried that the trade and

productions of the Province must have a more extended market and that, driven from the markets of England by her present policy, they were forced to the conclusion that the nature of their productions and the geographical position of their country pointed to the United States as the natural market for the staple commodities of New Brunswick, and, therefore, it was essential for the prosperity of the country that New Brunswick should enjoy the unrestricted coasting trade of the American union. This was carried by a vote of 19 to 13, every member of the Government in the House of Assembly voting for it. Another resolution was also passed by a vote of 24 to 11, that in the opinion of the committee such protection having been withdrawn from the staple exports of the Province in the British market, without the least possible prospect of its being restored, notwithstanding the remonstrances of the British Colonies, it was the duty of the House to propound such measures as might have a tendency to avert the commercial evils under which the Province was laboring. The passing of these strong resolutions in the House of Assembly shows to what an extent the members were affected by the condition of public affairs and by the complaints of their constituents. For a long period of years New Brunswick had enjoyed advantages over foreign countries in the markets of Great Britain, and the British Navigation laws had given it a share in the shipping business of the Mother Country. Now these advantages had been withdrawn, and the people of the Province were exposed to the free competition

of foreign countries. The vessels of the United States enjoyed the same privileges in British ports as the ships of the colonies, and it seemed to many people in New Brunswick that there was no advantage in the Province remaining a British colony. These feelings lasted for some time, and they were only removed when it was found that the prosperity of the Province had not been at all impaired by the British legislation which was complained of. The people of New Brunswick discovered that they could still go on building ships and sailing them, notwithstanding the competition of foreign nations, and that their market for the timber of the country had not been seriously injured. The British free trade policy which placed all on an equal footing, stimulated business and the demand for colonial products, and so the balance was adjusted.

At this session there was a long debate which resulted in an address to Her Majesty on the subject of making the Legislative Council elective. The address was passed by a large majority, only five members voting against it. The members of the House thought that as the privilege of electing a Legislative Council was to be granted to colonies in Australia and South Africa, the people of New Brunswick ought to be similarly favored. It would have been much more to the purpose if they had asked for the abolition of the Council altogether. Such a body was no more needed in New Brunswick than the fifth wheel to a coach, and this was discovered at a later day. A bill was transmitted which it was proposed to pass, and in

due time an answer was received from the British Government stating that such a bill would be agreed to if the details were satisfactory. A bill to abolish the Legislative Council, as then constituted, was accordingly passed in the Assembly at the session of 1851, but it was defeated in the Legislative Council. As the members of the Council at that time held their positions at Her Majesty's pleasure it could have been carried if there had been any strong desire on the part of the British Government to have the measure passed.

At this session Mr. Wilkinson's final report of the proposed line of railway between St. John and Shediac was laid before the House, the survey of the line having been completed. He estimated its length at 107 miles and its cost, with locomotives, passenger cars and freight cars at £436,000. Another important report was that of Mr. Moses H. Perley on the fisheries of the Province, an elaborate document which had been prepared with great care, as a result of visits to all the different fishing stations in New Brunswick. At that time the fisheries of the Province were carried on in a much less efficient manner than at present, and were much less productive. The total value of the fish exported from the counties bordering on the Gulf Shore, at that time amounted to only about \$75,000 annually.

During the summer of this year, a general election took place, the leading cry being for retrenchment and reform. The people certainly desired to have useless expenditures curtailed, and to have the principles of responsible government introduced to their full extent, and they imagined that they had

succeeded in that object by electing a number of men who professed to hold these views. At this election a number of new men were returned, who had never before sat in the House of Assembly, the most notable of these being Samuel L. Tilley, a gentleman who was destined to fill a large space in the political horizon, and to attain to the highest honors and distinctions that his country could give. Mr. Tilley was elected to represent the City of St. John and brought with him as a colleague, William Hazen Needham, a man of remarkable ability, who never attained the success that he might have fairly won if he had possessed steadier principles. St. John County sent to the Legislature John H. Gray, a lawyer and a man of fine oratorical attainments, but of little political capacity. Northumberland sent John M. Johnson and John T. Williston, the latter of whom, a man of moderate abilities, eventually subsided into the position of a county court judge. Mr. Johnson, in point of talent, was inferior to no member of the House that was then elected, but his future was clouded by certain habits which destroyed his fine intellect and eventually his life. York sent among its new members, George L. Hatheway, a loud voiced demagogue, who attained popularity simply because of his noisiness and free manner. Westmorland returned Bliss Botsford, who died a county court judge, but whose abilities were not shining or calculated to advance him very far in any field of usefulness in which a keen intellect was necessary. The City and County of St. John at this election, returned six members, all

of whom were pledged to reform, John R. Partelow, who had represented St. John County for many years being defeated. Mr. Partelow, however, was able to secure a seat in the new County of Victoria, the elections at that time not being all held on the same day. The strength of the public feeling against the Government may be judged from the fact that L. A. Wilmot, who had been a favored son of York, was the last on the poll, while the Honorable Charles Fisher, who also had been unwise enough to enter the government, was defeated. Mr. Weldon, who represented Toryism, in Kent County, was placed at the foot of the poll, and in Kings County, the supporters of the old order of things were likewise defeated. If the result of the elections had been carried out to its logical consequence the government would have been defeated and driven from power as soon as the Legislature met, but this fortunate result was not reached, owing to the craft of Mr. Partelow, and the faithlessness of some of the men who had been elected to support reform principles. Not long after the general election, Chief Justice Chipman, who had fallen into ill-health, resigned his seat on the bench. In the natural course of events Mr. Wilmot, the Attorney General, should have succeeded him, and if his colleagues in the Government had been faithful to their trust his appointment would no doubt have been made immediately. But they apparently did not desire Mr. Wilmot to go on the bench, and they began to correspond with the colonial office on the subject of dispensing with a new appointment, under

the plea that three judges were sufficient to do the business of the Province. Their conduct gave the Lieutenant Governor an opportunity of defeating their object and of likewise placing Mr. Wilmot in an inferior position. He wrote to the Colonial Office recommending that the chief justiceship be given to Judge Carter, who, it will be remembered, was most improperly sent out from England to occupy a seat on the bench of New Brunswick many years before, and that the vacant puisne judgeship should be offered to Mr. Wilmot, and if he refused to accept it, to the Solicitor General, Mr. Kinnear. After all the fine professions on the part of the British Government with reference to the right of the Provincial Government to regulate the internal affairs of the Province, this judicial appointment was made, not only without their consent, but entirely contrary to their wishes. This outrage on the people of New Brunswick, was committed under the administration of Lord John Russell, who professed to be a reformer, and who certainly was one, so far as the British constitution was concerned. The action of the British Government on this occasion was not only wrong in itself, but was highly injurious in its consequences, for it was largely the means of postponing the realization of Responsible Government in the Province for another four years.

The Legislature met on the 6th of February, 1851, and the Honorable Charles Simonds of St. John was elected Speaker without any opposition. Mr. Simonds was generally liberal in his views, although opposed to some of the measures which

seemed necessary to make Responsible Government operative. The speech of the Lieutenant Governor referred to the necessity for railways and expressed the hope that the railway between Quebec and Halifax would be proceeded with at no distant day. He referred to the existing system of granting supplies which he hoped would engage their attention, and stated that, as long as that system continued, the Government could not be held responsible for the first condition of all efficient executive action, the correspondence of expenditure with income. He suggested it as a subject for their consideration, whether such a change might not be made as would cause this responsibility to fall in a manner more strictly in accordance with the usage of the Imperial Parliament. He thought that such a change would involve the creation of local bodies of some kind, organized in such a manner as to give the distribution and control of funds applicable to local purposes to persons elected by the people. He also thought that some alterations might advantageously be made in the procedure in the courts of law and equity, which would render justice easier of access and less expensive to the suitor.

The battle against the Government began almost as soon as the House of Assembly met. Dr. Thompson of Charlotte moved the address in reply to his Excellency's speech, but to this Mr. Ritchie of St. John immediately moved an amendment, declaring that the House did not deem it proper to proceed to business or the consideration of the speech, because his Excellency's constitutional

advisers did not possess the confidence of the House nor of the people. This amendment might have been carried by a large majority and the Government ousted from power, but, in the interval between the elections and the meeting of the Legislature, Mr. Partelow and his colleagues had been very busy purchasing the support of members who had been elected to oppose the Government. What consideration Messrs. Alexander Rankine and John T. Williston of Northumberland; Messrs. Robert Gordon and Joseph Reed of Gloucester; Messrs. John Montgomery and A. Barbarie of Restigouche; and Mr. McPhelim of Kent received for their votes has not been recorded, but when a division took place, these men, all of whom were pledged to oppose the Government, were found supporting it, so that Mr. Ritchie's amendment was lost by a vote of 22 to 15. If they had remained faithful to their pledges the vote would have been reversed.

The appointment of L. A. Wilmot to the bench, left the office of Attorney-General vacant, and it was given to John Ambrose Street, one of the members for Northumberland. As Mr. Fisher had retired from the government, the Liberal element in it had been practically eliminated, for Mr. Street was a Tory in principle and had opposed nearly every measure of reform which had been brought before the Legislature. Mr. Street had been absent seeking re-election, at the time when the want of confidence debate was going on, but he shortly afterwards took his seat in the House, and brought down a number of measures for its consideration. A municipal corporation bill was passed, but it was

a permissive measure, and was not taken advantage of by any of the counties. A bill, appointing commissioners on law reform was carried, and resulted in the production of the three volumes of revised statutes, which were issued in 1854, with which all gentlemen of the legal profession are familiar. Even here, the heavy hand of the Colonial Minister was felt, for among the reforms proposed, was one relating to the action of ejectment, reducing that complicated procedure to a simple form, but this was disallowed by the home authorities. A bill was passed to enable the government to aid in the construction of a railroad from St. John to Shediac, to the extent of £250,000, sterling. There was also an act to assist the St. Andrews and Quebec railroad, the Province being authorized to take stock in that road to the amount of £50,000, sterling. Another measure which was brought forward by the government, was one with reference to the schools of the Province. It provided that the teachers were to be paid in money or board and lodging, by the district, to the amount of ten pounds for each term of six months in addition to the government allowance. This bill was a very slight improvement on the act then in force, and as it was not pressed as a Government measure, it did not become law. A private member, Mr. Gilbert of Queens, proposed to convert Kings College into an agricultural school, with a model farm in connection. The College, although its charter had been amended, was still very unpopular, and the attendance of students was small. It was shown in the course of the debate, that of the fifteen persons who composed

the college council, ten were members of the church of England, and that the visitor, the chancellor, the president, the principal and all the professors and teachers, but two, were members of that church. It was felt that the college required to be placed on a different footing, and Mr. Gilbert's bill, although it provoked much unfavorable comment at the time, certainly would have been more beneficial to the educational interests of the country, if it had passed, than the state of affairs which resulted from the continuance of the old system. An agricultural school was the very thing the Province required, while, judging from the limited attendance at the college from its foundation to the present time, the people of this Province are not greatly impressed with the value of a classical education. In 1851, however, any one who proposed to replace a college for the teaching of Greek and Latin, with a college of agriculture and the sciences allied to it, was looked upon as a Philistine. Then youths were taught to compose Latin and to read Greek, who never to the day of their death had a competent knowledge of their own language ; and agricultural studies, which were of the highest importance to more than one-half of the people of the Province, were totally neglected. Mr. Gilbert's bill was defeated, as it was certain to be in a Legislature which was still under the domination of old ideas. Had it passed, New Brunswick might at this time, have had a large body of scientific farmers, capable of cultivating the soil in the most efficient manner, and increasing its productiveness to an extent hardly dreamed of, by those who only

consider it in the light of the present system of cultivation.

During this session Mr. Ritchie of St. John, moved another series of resolutions, condemning the Government, and complaining of the Colonial Office and the conduct of the Governor. These resolutions declared first, that the House was entitled to full copies of despatches addressed to or received from the Colonial Office, and that it was not enough merely to send extracts from a despatch which had been received by the Governor. They declared that all appointments to offices were invested in the Governor by and with the advice of the Executive Council, and that the appointment of the Chief Justice and of a puisne judge by the Governor, contrary to the advice of his council, was inconsistent with the principles of Responsible Government. They complained that the salaries were excessive, and condemned the refusal of the British Government to allow the colonies to grant bounties for the development of their resources. These resolutions, after being debated for about a week, were rejected, by a vote of 19 to 21, which at the time was looked upon as virtually a Liberal victory. If the nineteen had been made up of men who could be relied on to stand by their colors, in all emergencies, it would have been a Liberal triumph, but unfortunately, among the nineteen, there were some who afterwards basely deserted their party for the sake of offices and power.

The construction of a railway from Halifax to Quebec was still considered an object much to be desired by the Provinces of British North America..

The people of Nova Scotia were particularly anxious for it, and Mr. Howe was urging it forward with all the eloquence and ability which he possessed. The public men of Canada at that time also seemed to be strongly in favor of it, while in New Brunswick, although there were some who preferred to construct a railway to connect with the railways of the United States, the majority of the people favored the Intercolonial project. During this session of the Legislature a number of despatches were brought down which had been written by Earl Grey to the Governor General of Canada, and to Mr. Howe, who had gone to England as a delegate, announcing the intentions of the British Government in regard to this line. What the Provinces desired was to obtain the guarantee of the British Government to enable them to raise money for the construction of the Intercolonial Railway, at a lower rate of interest than they could borrow it on their own credit. The terms on which Earl Grey was willing to agree to the required guarantee were, that the route of the railway should be approved of by the British Government; that the Provincial Legislature should pass laws, making the loans which they were to raise, the first charge on the provincial revenue, and that the money should be expended under the superintendence of commissioners appointed by the British Government. It was intimated that, in addition to these terms, some others might be required as a condition precedent to granting the money. The whole tone of Earl Grey's despatches was narrow, not to say mean. These British statesmen did not seem to

have any adequate idea of the importance of the North American Colonies, or of the position which they might afterwards take as a portion of the Empire. Great Britain, in times past, had expended enormous sums of money and freely shed the blood of her sons in wars, for the sake of European nations who at this day feel neither gratitude nor affection for her. The expenditure of a single year during the Peninsular war would have built all the railways that British North America would require for a century. Yet in a matter which closely affected the interests of the Empire, Great Britain exhibited a contemptible and parsimonious policy, and, if the Intercolonial Railway and Canadian Pacific are constructed, it has been done by the people of Canada, and we owe no thanks to Great Britain for these vast enterprises which have done so much to unite the British Empire.

Earl Grey's despatch was discussed at a later day, in the House of Assembly, and a series of resolutions were carried by large majorities, declining to accept the terms offered in his despatch, on the ground that the public credit had been already pledged to the sum of £300,000, sterling, for the building of the European and North American, and the St. Andrews and Quebec Railways, within the Province, the attention of the people of the Province having been called to the construction of these works in consequence of the refusal of Her Majesty's Government in 1849, to assist in the building of the Intercolonial Railway. Mr. Howe had suggested to Earl Grey that convicts might be employed in the construction of the railway, and the suggestion had

been approved of by the Colonial Minister. The proposal to bring convicts to New Brunswick for such a purpose, aroused a great deal of indignation in the Legislature, and apparently it was forgotten that the idea had originated with Mr. Howe and not with Earl Grey. It was generally supposed that the British Government had no serious intention of assisting the Colonies in building this line, and that the terms offered had been made difficult and almost impossible so that no further steps might be taken in regard to it.

At that session there was a conflict between the House of Assembly and the Legislative Council, which arose out of the latter having rejected a bill to make the Council elective. To punish them for this, the House refused to vote any grants for the payment of the members of the Council, as had been done for some years previously, and many good reasons were discovered why members of the Council should not be paid. The Council retaliated by refusing to sanction the payment of members of the House of Assembly. The latter were compelled to recede from this position and the deadlock came to an end.

A remarkable resolution passed at this session was one introduced by Mr. Hanington, reciting the inefficiency of the college and resolving that an address be presented to the Lieutenant Governor, praying that he would be pleased to withhold the issuing of any further warrants on the treasury of the Province for the sum of £1,100, to be paid to the college, unless that sum might hereafter be appropriated by the Legislature. The sum referred

to was then paid out of the civil list fund, without reference to the Legislature. This resolution was carried by 18 to 4, a fact that showed that the college had very few friends in the House of Assembly at that time.

The uncertain state of the minds of representatives in regard to principles which should govern the country, was shown by the passing of a resolution introduced by Mr. Scoullar, declaring that it should be a standing order of the House, that the House should receive no petition for any sum of money or make any grant of money, unless such petition and such grant be first recommended by the Executive Government. This was carried by a vote of 17 to 16, but on the very day, at the instance of Mr. Earle of Kings, the resolution was reconsidered and an amendment carried, postponing the subject of the initiation of money grants, until the next session of the Legislature. Twenty members voted for a postponement and sixteen against it. It is a remarkable fact that among those who voted for a postponement of the consideration of the subject, were Messrs. Ritchie, Tilley, and others, who were certainly in favor of the principle of the initiation of money grants being in the Executive. Apparently they voted for postponement for the purpose of preventing a hostile expression of opinion from the House. Perhaps also they were influenced by the fact that the men who were then in power were persons in whom they had no confidence, and whom they desired to see retired to private life.

Early in August it was announced that John H. Gray and R. D. Wilmot, two of the Liberal members for the County of St. John, had abandoned their party and their principles, and become members of the Government. The people of St. John, who had elected these gentlemen by a substantial majority, were naturally chagrined at such a proof of their faithlessness, and their colleagues were likewise greatly annoyed. Messrs. Gray and Wilmot made the usual excuses of all deserters for their conduct, the principal one being that they thought they could serve the interests of the constituency and of the Province better, by being in the Government than out of it. The friends of the four members who still remained faithful, Messrs. Tilley, Simonds, Ritchie and Needham, held a meeting at which these gentlemen were present, and at which it was agreed that they should join in an address to their constituents, condemning the course of Messrs. Wilmot and Gray, and calling on the constituency to pronounce judgment upon it. As Mr. Wilmot, who had been appointed to the office of Surveyor General, had to return to his constituency for re-election, the voice of the constituency could only be ascertained by placing a candidate in the field in opposition to him. This was done, and Allan McLean was selected to oppose Mr. Wilmot. The result seemed to show that the people of St. John had condoned the offence, for Mr. Wilmot was re-elected by a majority of 273. As this might be taken as a proof that they had lost the confidence of their constituents, Messrs. Simonds, Ritchie and Tilley at once resigned their

seats. This act was at the time thought by many, to indicate an excess of sensitiveness, and Mr. Needham absolutely refused to follow their example, thereby forfeiting the regard of those who had formerly supported him. The sequel proved that the three resigning members were right, for they won much more in public respect by their conduct, than they lost by their temporary exclusion from the House of Assembly.

The gentlemen returned for the three seats in St. John, which had been vacated by the resigning members, were James A. Harding, John Godard and John Johnson. Mr. Harding who ran for the city, was opposed by S. K. Foster. Mr. Harding was a Liberal, but this fact does not seem to have been kept in view when he was elected. The net result of the whole affair was, that the constituency of St. John could not be relied upon to support a Liberal principle, or any kind of a principle as against men. That has always been a peculiarity of the St. John constituencies, men being more important than measures, and frequently, a mere transient feeling being set off against the most important considerations of policy.



CHAPTER XXXIV.

SOON after the rising of the Legislature in 1851, the Honorable E. B. Chandler, a member of the Executive, went to Canada on the invitation of the Governor General, to confer with the Canadian Government and the Honorable Joseph Howe, representing Nova Scotia, on the subject of the proposed railway from Halifax to Quebec. At this meeting Mr. Chandler, on behalf of New Brunswick, offered as a guarantee to Her Majesty for the purposes of such railway, all the ungranted lands through which the railway might pass within the Province, to the extent of ten miles adjoining on each side thereof, and also to secure, at the expense of the Province; the right of way, and land for the necessary stations when upon private property; and to charge, upon the general revenues of the Province, a sum not exceeding £20,000 per annum, for a period of twenty years after the time of completing the said railway, towards making good any deficiency in the annual dividend out of the net profits of the railway. Proposals were also submitted on behalf of the Governments of Canada and Nova Scotia, that each Province should be responsible for the cost of the portion of the road passing through its own territory, or that New Brunswick should make a separate and distinct agreement for the construction of its portion

of the line, with private contractors, or that the line should be undertaken on the joint account of the three Provinces, and the Crown lands lying five miles on each side of the line, should be conceded by each Province, for the benefit of the road, and that until after payment of the cost of construction and interest, the receipts should be common property, after which each Province should own that portion of the road which passed over its own territory.

The Legislature met in 1852 on the 7th of January, and the speech of the Lieutenant-Governor was largely devoted to railroads. He expressed a strong faith in the Halifax and Quebec scheme, which he thought would produce an abundant return to the Province, as by means of it, millions of acres now untrodden, would supply food for man, and millions of tons of timber now standing worthless in the forest, would find a profitable market. He commended to the attention of the Legislature a reform of the law of evidence, in accordance with changes that had been made in the mother country, and a bill for the regulation of parish schools. He informed them also that the post office had been taken over by the Provincial Government, and that lines of electric telegraphs were being extended throughout the Province.

A census of the population of the Province had been taken the previous year, and the returns which were laid before the House, showed that the number of inhabitants had reached the respectable total of 193,800 persons. This was an increase of 39,800 in eleven years, a larger percentage of increase than either of the adjoining New England states was able to show.

The British Government had withheld its consent from the bill to facilitate the construction of the European and North American railway, which was to connect Halifax and St. John with the lines of the United States, on the ground, that the interests of the British Government were not sufficiently guarded. The European and North American Railway, was a measure in which both the United States and the British Provinces were interested, as it was thought that it would be the means of bringing New York and Boston into rapid communication with Great Britain. This railway project had received a powerful impulse from the convention of its friends which was held in Portland, Maine, in 1850, at which New Brunswick was represented by Honorable L. A. Wilmot, the Honorable John H. Gray and other eloquent speakers. At that time ocean steam navigation was in its infancy, and it was thought that a great gain might be made in the carriage of the mails between Europe and America by landing them at Halifax, and sending them over this line. The mammoth ocean steamships of the present day, which pass from New York to Liverpool in five days, had not then been dreamed of, and no one thought it possible to send intelligence across the Atlantic by means of a wire under the ocean. The European and North American Railway, therefore, had a powerful support outside of those who were locally interested in it, but the British Government evidently preferred the Quebec scheme, and it was thought that the withholding of the Royal assent from the facility bill of the European and North American Railway, was due to

a desire to give the Quebec line the first chance. The resources of the Provinces were small and not sufficient, it was thought by many, to bear the burthen of more than one railway.

The Quebec and Halifax line was discussed in committee of the whole House later in the session, and a series of resolutions passed ; that it was the opinion of the House that the connecting the Provinces of Nova Scotia, New Brunswick, and Canada, by a Great Trunk Railway is of vital importance to the future interests and prosperity of the Province, and that the proposition for constructing a railway from Halifax to Quebec through this Province. in accordance with the plan, and in the proportions lately suggested by the delegates from the Canadian Government at Halifax, and agreed to by the Governments of Nova Scotia and New Brunswick, should be accepted. These propositions were embodied in an act which was passed by both branches of the Legislature and which received the assent of the Lieutenant Governor. They imposed upon the Province of New Brunswick the heavy burthen of being responsible for the construction of five-twelfths of the road, while Canada had to construct four-twelfths and Nova Scotia three-twelfths of this great public work. This was a most unfair arrangement for New Brunswick, the Province which had the smallest population of the three which were interested in it, and which certainly was not likely to benefit more by the railway, than either of the others. Yet so anxious were the people of the Province that the railway should be built, that the proposition was

accepted by a large majority and the Honorable Mr. Chandler was sent to England for the purpose of making arrangements with the British Government in regard to the loan which was to be guaranteed for the construction of the road. Mr. Hinks went to England at the same time on behalf of Canada. These gentlemen, representatives of important Provinces of the Empire, did not meet with such a reception from the Earl of Derby as they were entitled to. They found great difficulty in obtaining interviews with that nobleman, and the result of their mission was a failure, the British Government refusing to carry out its agreement to guarantee the loan for the construction of the road, on the ground that the route selected was by the St. John River Valley. It was fortunate for New Brunswick that the arrangement failed, but the determination of the British Government to compel the Province to build the road by the route where the chances of paying traffic were far less than by the St. John River Valley, was an enormous injury to the interests of British North America. This was only another example of the blundering policy which long ere this would have alienated the feelings of the people of Canada from the Mother-Country had their loyalty not been of the most pronounced type.

When Mr. Chandler was in England, after the failure of his negotiations with the British Government, he was approached by the firm of Jackson & Co., who offered to build the European and North American Railway from the Nova Scotia border to the borders of the State of Maine, a distance of 214

miles on certain terms. On Mr. Chandler's return from England this offer was placed before the company and accepted, and in September Mr. Jackson visited New Brunswick, for the purpose of looking over the ground, and the contract for building the railway was completed. A special session of the Legislature was called in October, for the purpose of amending the railway act, in accordance with the conditions entered into between the Government and Messrs. Peto, Brassey and Jackson & Co. As there was hardly any opposition to this arrangement the necessary legislation was speedily passed. There was great rejoicing in the Province at the ratification of this bargain, which it was thought would greatly add to its prosperity. The occasion of turning the first sod of the European and North American railway on the 10th of September, 1853, was made into a grand demonstration, in which all the trades of the City of St. John participated. But the hopes, that were founded on this event, were doomed to disappointment. The railway constructors were unable to carry out their contract, and finally that portion of the railway between St. John and Shediac had to be completed by the Government of the Province on its own account, at a much higher cost than had originally been anticipated. This part of the railway was finished in 1860, but it was not until many years afterwards that the line from St. John to the borders of the United States, was in operation, and the line from St. John to Halifax was not completed until it became a part of the Intercolonial Railway under the terms of confederation.

Among the acts of the session of 1852, was one relating to the traffic in intoxicating liquors. This bill which was a precursor of the prohibitory liquor law of 1855, forbade the manufacture within the Province, of any alcoholic or intoxicating liquors, except for religious, medicinal and chemical purposes. Beer, ale, porter and cider were excepted from this prohibition law. The only persons authorized to sell liquor, were agents appointed by the sessions, or by a city or town corporation. This act was supposed to go into operation on the 1st of June, 1853, but it was never obeyed, it being defective in the means for carrying out the intentions of its framers.

At the regular session of 1852, an act was passed for the better establishment and maintenance of parish schools. The principal feature of this act, was, that it established a training and model school for the instruction of teachers, and also provided for the appointment of an inspector for each county, whose duty it should be to inspect the schools within his district. It defined the qualifications that would be required for teachers of the various classes, which were three in number. This act was a considerable improvement on any previous measure with respect to education, but it did not have the result of placing the means of receiving an education within the reach of all.

The Legislative session of 1853, opened on the 24th of February. The Lieutenant Governor in his opening speech, congratulated the country on the prosperity of the Provincial revenue, which had improved in almost every branch. At the

same time, he said, that the liabilities which they were about to incur in promoting the execution of great public works, suggested caution. He referred to the report of the law commission, and stated that they would have an opportunity of legislating upon it during the session. This however, was not done, for although their first report was received, the bills were ordered to be printed, and to lie over until next session.

One topic which was referred to in the speech, was the fisheries, in regard to which it was stated that Her Majesty's Government had taken measures for their protection, and also that Her Majesty's ministers were anxious to effect such arrangements with the Government of the United States, as might lead to greater freedom in commercial intercourse. At that time a reciprocity treaty with the United States was being arranged. This treaty went into force the following year, but the people of New Brunswick were by no means unanimous in its favor; while they were willing enough to exchange commodities with the United States, they were not willing to open their fisheries to the people of that nation, and this was treated by our neighbors as an essential condition to any treaty. When the address in answer to the speech was being debated, strong opinions were expressed by members of the House against the surrender of our fishery privileges. The fishermen of the United States, by the Treaty of Peace, made in 1783, had acquired a right to fish in our waters, but they had lost that right in consequence of the war of 1812. Finally their rights were defined by the

convention concluded in 1818, but notwithstanding that arrangement, United States fishermen were constantly encroaching on our fisheries, and the lack of enterprise that was shown by our own fishermen at that time, emboldened them to encroach still more. The Reciprocity Treaty of 1854, again gave the American fishermen the right to fish on our coasts, and this was not pleasing to many people of the Maritime Provinces.

The outcome of the debate at the session of 1853, was an address to the Queen, by both Houses, expressing the opinion that the coast fisheries should be reserved exclusively for the people of this Province, and that no foreigner should be permitted to participate therein on any terms whatever.

The session of 1853, was not distinguished by any Legislative achievements. A great many questions were discussed, among others the election law, registration of votes, the ballot, judges fees, and other matters, but nothing substantial was done. The Government which had obtained power by the purchase of members who had been elected to oppose it, was neither willing nor able to initiate anything new that would be likely to improve the constitution of the country. All they desired was to be left alone and to draw their salaries; but the session was distinguished by many extravagant appropriations, for the Government had not yet taken control of the finances of the country. In his closing speech, when proroguing the House, the Governor expressed his regret, that there was no one political officer whose attention was especially

given to the finances, and at the total want of executive machinery for properly controlling the expenditure on the roads.

The session of 1854, was the last of the existing House and it also was the last of the old system which had kept the people of New Brunswick so long in a state of political infancy. In his opening speech, the Lieutenant Governor referred to many matters of importance, the consolidation and amendment of the Provincial laws ; the enlargement of the lunatic asylum ; the prosperous state of the revenue and the commencement of the railway between St. John and Shediac. The most important of these topics was, of course, the consolidation of the laws, and a considerable part of the session was taken up in passing the bills which had been prepared by the law commission. The commissioners had done their work very well, and their efforts had all been in the direction of introducing simplicity into judicial proceedings. But it has been very largely superseded by the labors of later commissioners, who have introduced a more modern and efficient system.

At an early day in the session, a despatch which had been written the previous year by the Lieutenant Governor to the Colonial Secretary, was laid before the House. It condemned the manner in which legislation was conducted in New Brunswick and especially the increasing tendency to private legislation. Many of these acts related to the incorporation of societies or companies, while others were of such a character that they should have emanated from a municipal body, if such

bodies existed in New Brunswick. The Governor thought that such legislation tended to lower the dignity of the Legislature in the eyes of the people. The Colonial Secretary, who was the Duke of Newcastle, cordially agreed with the Governor with regard to the character of much of the legislation of New Brunswick, but neither of them could point out any way of avoiding it. Much of this private legislation has now been got rid of by means of a general incorporation act, but still the number of private and local bills is always large and the tendency is towards an increase rather than a diminution of them. There is no disposition on the part of the Legislature to hand over to the municipalities any of those powers which properly belong to a general assembly.

The College question again came up at this session, the attack upon that institution being led by Mr. Albert J. Smith, who had been elected a member for Westmorland in place of Mr. Robert B. Chapman. Mr. Smith was destined to attain eminence as a politician in New Brunswick and to make a considerable figure even in the Parliament of Canada. He was at this time, looked upon as a rising member of the House, being a successful lawyer, a good speaker and the possessor of many personal advantages. Mr. Smith went into the history of the College at great length and described its condition as hopeless, there being only five resident students, and ten others who attended it and boarded elsewhere. As the College was costing the country £2,200 annually, he thought that it was not doing the work that was being expected of

it. Finally, it was resolved to ask the Lieutenant Governor to appoint five commissioners to consider the state of the College, and report at the next session of the Legislature. The commissioners were appointed accordingly. The chairman was the Honorable John H. Gray, a member of the Government, while the Honorable John Simcoe Saunders, and the Honorable James Brown, were also members of the commission. These three gentlemen were all residents of the Province, but two gentlemen of eminence, who were not residents, were also included in the commission. These were the Reverend Dr. Ryerson, afterwards the head of the department of education of Ontario, and Dr. J. W. Dawson, better known to our younger generation, as Sir William Dawson, the principal of McGill University. These gentlemen found much in the state of the College to demand improvements, and, with their report, they sent in a draft of a bill for establishing a comprehensive system of university education in New Brunswick. Some years, however, were to elapse before the passage of any measure for the improvement of the College.

The attention of Sir Edmund Head had already been directed to the state of the college, and in 1852, in his capacity as visitor, he had written a letter to the Chancellor of the College, pointing out some features in which he thought it was defective. This brought out replies, from the principal and three of the professors, in which some improvements were suggested and the College curriculum justified, but these changes produced no effect on the popularity of the institution. The

fact remained that, notwithstanding the large sum annually expended upon it, very few of the young men of the Province sought it for the purpose of obtaining an education.

For many years the people of New Brunswick had read of the progress of Asiatic cholera from the East to the West, and viewed with apprehension its approach towards our shores. But it was not until this year that their fears were realized, and they were destined to experience all the horrors of an outbreak of this dreadful disease. The cholera is said to have been brought to New Brunswick by a vessel named "The Blanche" which arrived in St. John in the summer of 1854. At that time the sanitary condition of that city was as bad as possible. Very large numbers of people were crowded together in lanes and alleys, and no provision seems to have been made for getting rid of the filth which such crowded conditions brought about. The water supply was very imperfect and most of it was obtained from wells. There were no sewers worthy of the name, and no system of sewerage had even been dreamed of. It was thought that the position of St. John, set high on a rock and swept by every breeze from the Bay of Fundy, would alone secure it from the ravages of a pestilence, but this belief proved to be entirely fallacious. No city was ever worse prepared to meet the cholera, than St. John was in 1854, and no city was ever more heavily struck by that dread disease. During the whole summer the cholera raged with unparalleled fury and the people died so fast that it was found difficult to bury the dead.

In the city and its suburb, Portland, which had between them less than 30,000 inhabitants, 1,500 persons died with cholera, about one person in every twenty. There were outbreaks of cholera in other parts of the Province, numbers dying at Fredericton, Miramichi, St. Andrews and other places, but these visitations were slight, compared to that which came to the chief commercial city in the Province and for the time paralyzed its industries.

The House of Assembly was dissolved on the 19th of May, and the elections took place in the early summer. Everywhere, the cry was for reform in the Government, and the result of the elections showed, that the persons who had ruled the Province so long had lost their hold on the people. Although the changes in the personell of the House were not very numerous, the change in its spirit was remarkable, and members who had steadily supported the old Government, now found it convenient to fall in with the views of the people, and condemn it. Among the new members returned were, James Steadman for the county of Westmorland, Arthur Hill Gillmor and John McAdam for Charlotte, and Abner R. McClellan for Albert. The Legislature was called together on the 19th of October, 1854, for the purpose of ratifying the Reciprocity treaty which had been made with the United States. This treaty provided for the free interchange of certain natural products between the great republic and the several provinces, which now form the Dominion of Canada, and it had been brought about through the efforts of Lord Elgin, who was,

at that time, Governor-General of Canada. The only features of the treaty which were not generally approved in New Brunswick, were the giving to the American fishermen the right to fish on our coasts, but the pressure in favor of it was strong, and it was ratified by the Legislature of New Brunswick, with but little opposition. In the House of Assembly only five members voted against the bill, which was passed, to give it effect. The effects of the treaty were undoubtedly beneficial to the commerce of the Canadian Provinces, although the fishery clauses led to some abuses on the part of American fishermen who, in many cases, interfered with the rights of our own people. The fact that a great war broke out, during the period when the treaty was in operation, which made large demands on all the Provinces for supplies of food for the armies of the United States, made the treaty appear more advantageous to New Brunswick than it would have been under ordinary conditions, and produced a strong desire for its renewal when the period for which it was made, expired. This, however, was not accomplished, because the Americans thought these Provinces could not exist without this treaty, and now that the settled policy of that country has got to be one of extreme protection, it is doubtful if ever any similar treaty will ever be made.

The early meeting of the Legislature elected in 1854, brought about one very desirable result, the defeat of the Government. When the House met, a new Governor had taken the place of Sir Edmund Head, in the person of the Honorable John Henry Thomas Manners-Sutton, who, like his predecessor,

was also a civilian. Mr. Manners-Sutton belonged to an English Tory family, one of whose members had been Speaker of the House of Commons. He was very inferior to his predecessor in ability, and if it had not been for the political crisis which occurred during his administration of the affairs of the Province, he would have passed from the stage without exciting any particular notice. As it was, his name will be remembered long, as the individual who brought about the greatest political upheaval that New Brunswick, up to that time, had ever known. Mr. Daniel Hanington of Westmorland was nominated as Speaker and elected, but the vote did not indicate the condition of the political atmosphere, for most of the members of the Government voted for him. The speech of the Lieutenant Governor referred mainly to the treaty of reciprocity with the United States, and to the cholera outbreaks, and he emphasized the necessity for the timely adoption of those precautionary measures which might be expected to prevent the recurrence of the epidemic. Two acts were passed, during the session, bearing on this subject, one being for the purpose of enabling the people of Carleton, in the city of St. John, to obtain water from Spruce Lake, and the other for the appointment of commissioners of sewerage and water supply for the city of St. John and parish of Portland. The result of this Legislation, and of subsequent acts, has been that there is no city in the world which has an ampler supply of water, or a better sewerage than St. John.

The downfall of the Government was brought about by the passing of an amendment to the

address, which was moved by the Hon. Charles Fisher, in which it was declared that the conduct of the local administration during the last four years, had not been in accordance with the principles of self government. This was carried by a vote of 27 to 12, only six members of the House besides the members of the Government, voting against it. On the 31st of October, the Government resigned, and the Hon. Mr. Fisher was called upon to form a new administration. This work was speedily accomplished, Mr. Fisher himself taking the office of Attorney General. Mr. S. L. Tilley became Provincial Secretary, and Mr. John M. Johnson, Solicitor General. As these gentlemen were all members of the House of Assembly, their seats were vacated, and new writs were issued for elections in the constituencies which they had represented. Mr. W. H. Steeves, a member of the Legislative Council, was appointed Surveyor General, which office had now, under a Responsible Government, become a political one. This arrangement was disapproved in some quarters, and a resolution was moved in the House of Assembly, that it was necessary that the office should be held by a member of that body. This was voted down, but the new Government did not fail to understand that public opinion would not sanction the maintenance of the position of Surveyor General, on the old footing. So that on the same day, on motion of Hon. Mr. Ritchie, it was resolved that the Surveyor General should be a member of the House, and very shortly afterwards the Hon. James Brown of Charlotte, was appointed Surveyor General.

By this change in the administration, Responsible Government was brought into effect in New Brunswick, or, at all events, the administration was in the hands of men who were determined that its principles should guide them. The old order of things had passed away, and the old Conservative regime, which had existed in the Province from its foundation and had hindered and stifled the development of our free institutions, disappeared forever. The step which had been taken was irrevocable, for no return of the Conservatives to power could bring back the old system. Henceforward New Brunswick was committed to a policy, in which family compacts and despotic Lieutenant Governors could have no place.

The Provincial Legislature again met on the 1st of February, 1855. The speech of the Lieutenant Governor, which now was the voice of the Lieutenant Governor's advisers, and not of himself alone as it had been formerly, directed the attention of the Legislature to the necessity of revising the election laws, to the subject of education, and to the provincial revenue. It suggested that a change was demanded in the existing system of managing the roads and bridges of the Province. This foreshadowed one of the most important measures of the session, the bill for the establishment of the Department of Public Works. This was passed, and on the 16th of April, the Honorable Mr. Steeves was placed at the head of this department, as Chief Commissioner. This gentleman was the only member of the Legislative Council who has ever held that important office.

During this session correspondence was brought down, dated the 15th of August previous, announcing, on the part of the Imperial Government, the withdrawal of the Imperial Customs establishment, which was considered to be no longer necessary, and stating that as the duties of these offices were now mainly in connection with the registration of vessels in the Colonies, and the granting of certificates of the origin of Colonial products, this work would hereafter be performed by the Colonial Officers. A letter addressed to the Comptrollers and other Customs officers, had informed them that their services would be discontinued after the 5th of January, 1855. So disappeared the last remnant of the old Imperial Custom House system, which had been the cause of so many difficulties in all the Colonies, which was the real occasion of the revolution which separated the thirteen Colonies from the Mother Country, and which in the other American Colonies which were left to England, had always been regarded as a grievance.

The new Government resolved to make Responsible Government a reality, and to at once bring about a condition of affairs which would end the waste and extravagance, which had prevailed under the old system of appropriation. One of their first measures was to vest in themselves the initiation of all money grants, so that no private member hereafter could move the appropriation of money for public purposes, except by the consent or through the action of the Government. This was a change which had long been demanded, but had been steadily resisted by private members,

because their self-interest was concerned in the old order of things. It has already been explained how, under the old system, "log rolling" prevailed, one man voting for an appropriation in some distant county, of the merits of which he knew nothing, on condition that the member from that county would vote for an appropriation which he desired to have, although it might not be at all in the general interest. The Government also undertook to frame a new tariff, and therefore, in a double sense, to grasp the control of the finances of the Province. But the great measure of the session of 1855, was the law to prevent the importation, manufacture, or selling of liquor. This bill was brought in by Mr. Tilley as a private member, and not on behalf of the Government. It was introduced on the 3rd of March. Considering its great importance and the fact that it led to a crisis in the affairs of the Government, and the temporary defeat of the Liberal party, it went through the House with comparatively little difficulty. It was first considered on the 19th of March, and a motion to postpone its further consideration for three months, was lost by a vote of 17 to 21. Amongst those who voted for the postponement were, Messrs. Ritchie, Gray and Harding of St. John, Mr. Smith of Westmorland, and Mr. Johnson of Northumberland. The final vote on the third reading, was taken on the 27th of March, and the vote was 21 to 18, so that every member of the House, with one exception, voted yea or nay. The closeness of this last division should have warned the advocates of the measure that it was likely to produce difficulty, for it is

clear, that all sumptuary laws which are intended to regulate human affairs, must be ineffectual unless they have the support of a large majority of the people affected by them. That this was not the case with the prohibitory liquor law was shown by the vote in the Legislature, and it was still more clearly shown after the law came into operation on the 1st of January, 1856.

The passage of the prohibitory law was a bold experiment, and as the sequel showed, more bold than wise. The temperance movement in New Brunswick at that time, was hardly more than twenty years old, and New Brunswick had always been a Province in which the consumption of liquor was large in proportion to its population. When it was first settled by the Loyalists, and for many years afterwards, the use of liquor was considered necessary to happiness, if not to actual existence. Every person consumed spirits, which generally came to the Province in the form of Jamacia rum, from the West Indies, and as this rum was supposed to be an infallible cure for nearly every ill that flesh is heir to, nothing could be done at that time without its use. Large quantities of rum were taken into the woods for the lumbermen, to give them sufficient strength to perform the laborious work in which they were engaged, and if it had been suggested that a time would come when the same work would be done without any more powerful stimulant than tea, the person who ventured to make such a suggestion, would have been regarded as absolutely insane. Experience has shown that more and better work can be done, not only in the woods, but.


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everywhere else, without the use of stimulants than with them; but no one could be got to believe this sixty or seventy years ago. Every kind of work connected with the farm then, had to be performed by the aid of liquor. Every house raising, every ploughing match, every meeting at which farmers congregated, had unlimited quantities of rum as one of its leading features. It was also used by almost every man as a part of his regular diet; the old stagers had their "eleven o'clock" and their "nip" before dinner; their regular series of drinks in the afternoon and evening, and they actually believed that without them life would not be worth living. The prohibition experiment made in 1856 was, therefore, open to the charge of being a rash one. Man cannot be educated into a new state of ideas in a single year, and hardly in a single generation. Up to that time the traffic in liquor had not only been looked upon as lawful, but as honorable. Most of the great merchants dealt in it. It employed many men and occupied many buildings which brought in large rents to their owners. The number of taverns in St. John and Portland was not less than 200, and in the other towns of the Province, the proportion of taverns to the population was quite as large. It was not to be supposed that the people who were engaged in the liquor business would consent to be deprived suddenly of their means of living, especially in view of the fact that it was by no means certain that the sentiment in favor of prohibition, was as strong in the country, as it appeared to be in the Legislature. It has always

been stated that many men voted for prohibition in the House of Assembly who themselves were not total abstainers, but who thought they might make political capital by taking that course, and who relied on the Legislative Council to throw out the bill.



CHAPTER XXXV.

HE prohibitory liquor law came into operation on the 1st of January, 1856, The result of the attempt to enforce it was what might have been expected. The law was resisted, liquor continued to be sold, and when attempts were made to prevent the violation of the law, and those who violated it were brought before the courts, able lawyers were employed to defend them, while the sale of liquor by the same parties was continued, thus setting the law at defiance.

In the meantime the Legislature of the Province met on the 14th of February, 1856. A considerable number of changes had taken place in the assembly since its last meeting. The Honorable William J. Ritchie had been elevated to the bench of the supreme court, and the Honorable Francis Rice, a member for Victoria, had been appointed to the Legislative Council, and Mr. Charles Watters, a St. John lawyer, had been elected in his place, and made a member of the Executive Council without office. The speech of the Lieutenant-Governor expressed regret that the expenditures of 1855, had largely exceeded the revenue. It referred to the system by which supplies were granted, as one that had failed to secure that equality between current revenue and ordinary expenditure which was

indispensible to the maintenance of financial order,, and recommended the House to consider whether the public interests did not demand, that some alteration should be made in the system. It also emphasized the necessity of making full and ample provision for securing the prompt and regular payment of all calls on the Provincial treasury.

On the very day that the House met, Mr. End moved for leave to bring in a bill to repeal the prohibitory liquor law. Twenty-three members voted to grant leave and only eight against it. But this was no indication of the strength of the sentiment in favor of its repeal. When the bill was discussed in committee, it was rejected by a vote of thirty-three to seventeen, the members of the Government dividing upon the question, Messrs. Tilley, Brown and Fisher voting for postponement, and Messrs. Johnson, Smith and Watters in favor of the bill. Numerous petitions had been received for the repeal of the act, but as most of them appeared to come from interested parties, they were not regarded as proving that public opinion was decidedly against it. When the Legislature met it had only been in operation six weeks, which was too short a time to test its efficiency.

The most important resolution passed at this meeting of the Legislature was one introduced by Mr. George L. Hatheway, of York, by which it was resolved that in order to carry out the principles of Responsible and Departmental Government in such a way as to be beneficial to the country at large, the right of initiating money grants should be conceded to the Executive Government, and the

practice of the Imperial Parliament in that respect adopted. This important resolution which is the foundation of our present system of Government, was only carried by a vote of 20 to 18, so that even a reformed Legislature was very reluctant to yield up the financial control of the country into the hands of the Government. It was only by gradual steps that the result implied in this resolution was reached, and the full control of all expenditures placed in the hands of the administration.

Papers were brought down during the session in regard to the European and North American Railway, which was then under construction from St. John to Shediac. The contractors for that road, Messrs. Jackson, Peto, Brassey and Betts, professed themselves to be unable to carry out their contract, owing to the stringency of the money market, due to the Crimean War, and the Attorney General had been sent to England to see what could be done. His mission resulted in the surrender of the contract to the European and North American Railway Company, which was now charged with the responsibility of completing that work. The outcome of this business was that after much negotiation the task of completing the railway fell on the Province, and it became the property of the people and was operated as a Government work.

The Legislature was not prorogued until the 1st of May, and at that time there does not appear to have been any intimation of a difficulty between the Lieutenant Governor and his Executive Council. It is true that he was known to be hostile to the

prohibitory liquor law, and that after giving his assent to it, he had entered into a correspondence with the home authorities, suggesting a number of objections to the measure, none of which were considered valid by the Committee of the Privy Council to whom the bill was referred. But it appears that the Governor, besides his hostility to the prohibitory law was not very friendly to his confidential advisers. He was an English Tory, and their ways were not his ways, nor were their views of Government in accord with his own. Looking at the correspondence between him and his Executive Council, it is difficult to acquit him of a deliberate attempt to get rid of his Government by means of this prohibition question. On the 6th of May, just five days after the Legislature had been prorogued, the Governor addressed the Executive Council in regard to the prohibitory liquor law, stating that the act had been in operation for some months but that practically it was wholly inoperative, although a few individuals had been punished for its violation. He stated that if the law was capable of enforcement, the Government was bound to enforce it, and that if it could not be enforced, it should not continue on the statute book. He thought the only remedy for the existing state of things was to be found in an immediate appeal to the people. In their reply, the Executive Council said they did not concur in his supposition that the law was wholly inoperative, and they declined to advise him to dissolve the House of Assembly, expressing the opinion that if the law failed to accomplish the results anticipated by its

supporters, it would be repealed by the existing House. The Governor persisted in his demand for a dissolution, and as the Executive Council refused to advise a dissolution, he dissolved the General Assembly on his own responsibility, upon which the members of the Executive Council tendered their resignations.

The new Government consisted of the Hon. John H. Gray, Attorney General; Hon. Robert D. Wilmot, Provincial Secretary; Hon. John C. Allan, Solicitor General; Hon. John Montgomery, Surveyor General; Hon. Francis McPhelim, Post Master General; Hon. Charles McPherson, Chief Commissioner of Public Works; and Honorables Edward B. Chandler and Robert L. Hazen, members of the executive without office. The House of Assembly was dissolved immediately, and the election which followed was perhaps the most hotly contested that has ever taken place in the Province. In St. John especially the conflict was fierce and bitter, because, it was in that city that the liquor interest was strongest and most influential. All over the Province, however, the people became interested in the struggle as they had not been in any previous campaign. By the Liberals and the friends of the Government, the action of Governor Sutton was denounced as tyrannical, unjust, and entirely contrary to the principles of Responsible Government. On the other hand the friends of the Governor and of the liquor interest declared that his action was right, and the cry of "Support the Governor," was raised in every county. The Liberals at this time found a new name for their

opponents, whom they described as "Rummies," while the Tories retorted by designating the Liberals as "Smashers," and these names continued to be used long after the prohibition question was settled. At this day it is easy enough to discern that there was a good deal of unnecessary violence injected into the campaign, and that neither party was inclined to do full justice to the other. At the same time it is impossible not to condemn the Governor for the haste with which he acted, and the manner in which he used his power to drive his council into a corner. A trial of four months was not long enough to prove the impossibility of enforcing the liquor law, and no public interest would have suffered if the matter had been left to be dealt with at the next session of the Legislature.

The result of the elections, was the defeat of some of the principal members of the former Government. Mr. Tilley lost his seat for St. John city, and Mr. Brown, the Surveyor General, was rejected by the County of Charlotte. The Legislature met on the 17th of July, 1856, and it soon became apparent that the new House of Assembly contained a large majority who were opposed to prohibition. The Hon. Charles Simonds of St. John, who had taken a conspicuous part in the work of the Legislature a quarter of a century before, had been returned for St. John county, and he was elected Speaker. The second paragraph of the address in reply to the Governor's speech, contained an endorsement of His Excellency's conduct in dissolving the House of Assembly, but this was not allowed to pass without a division. It

was carried by a vote of 23 to 16, a test which should have warned the Government, that their position was not as secure as the result of the elections seemed to indicate. A bill was immediately brought in to repeal the law prohibiting the importation, manufacture and sale of intoxicating liquors, and only two members, Mr. Arthur Hill Gillmor of Charlotte, and Mr. A. R. McClellan of Albert, voted against it. This was practically all the business the Legislature had to do, and it was prorogued on the 29th of July, after a session of ten days.

The prohibitory liquor law having been got rid of, parties in the House and in the Province, began to return to their original principles. The Liberals, many of whom had voted against prohibition, began to see that there was danger for them in the possession of power by a Tory Government. Accordingly when the Legislature met on the 12th of February, 1857, all the Liberals in the House had returned to their former allegiance, and the address in answer to the Governor's speech, was only carried by the casting vote of the speaker in a full House, the numbers being twenty to twenty. This vote was taken on an amendment which was moved by Mr. Fisher, declaring that the constitutional advisers of the Governor did not possess the confidence of the House. The Government was in such a position that it could accomplish nothing, but the session was distinguished by two important events. For the first time in the history of the Province, the Provincial Secretary brought down an estimate of revenue and expenditure, indicating

that the Government had taken full charge of the finances of the Province. A despatch was received from the Colonial office, placing the control of the surplus civil list fund in the hands of the Provincial Legislature. The delay in this matter is a notable instance of the grudging manner in which the rights of the Province were conceded by the home government, for the control of the casual and territorial revenue, had passed to the Legislature twenty years before, and there was no reason why the surplus civil list fund which formed a part of the casual and territorial revenue, should be held by the British Government.

The Hon. R. D. Wilmot, who was Provincial Secretary, laid the estimates before the House on the 20th of March, and moved a resolution, which was passed that the House should go into committee of supply on the 24th of the same month. When that day came no effort was made to move the House into committee of supply, and on the 26th, the Hon. Mr. Gray announced that it was the intention of His Excellency in furtherance of the public interests, to prorogue the General Assembly with a view to a dissolution, and that His Excellency had come to that determination, with the unanimous advice of his Council. The Legislature was prorogued the same day and the House of Assembly was dissolved by proclamation on the 1st of April, 1857, the writs being made returnable on the 16th of May. The excitement attending this second election was, if possible, even greater than during the election of 1856, for the public mind had been wrought up to a state of great tension by the

proceedings in the House, which were watched with the keenest interest. The result of the election was so unfavorable to the Gray-Wilmot Government that they at once tendered their resignations to the Lieutenant Governor, agreeing to hold office only until their successors were appointed. The most bitter contest of the election centered in the city of St. John, and it resulted in the election of Mr. Tilley, with Mr. James A. Harding for his colleague, the latter having changed his views in regard to the question at issue since the previous election, when he was chosen as an opponent of the Government, of which Mr. Tilley had been a member. When the Gray-Wilmot Government resigned the Lieutenant Governor sent for Mr. Fisher, and entrusted to him the business of forming a new Government. The Government thus formed comprised, the Hons. James Brown, S. L. Tilley, William Henry Steeves, John M. Johnson, Albert J. Smith, David Wark, and Charles Watters. The Hon. Charles Fisher became Attorney General, and resigning his seat, was re-elected for the county of York, prior to the meeting of the Legislature on the 24th of June 1857. This session only lasted until the 1st of July, being merely held for the purpose of disposing of the necessary business. James A. Harding was elected Speaker of the House, and the Legislation was confined to the passage of the supply bills, and a few other measures regarding subjects which required immediate attention. Mr. Tilley became Provincial Secretary, and other departments were filled by the appointment of Mr. Brown to the office of Surveyor

General, Mr. Charles Watters to the office of Solicitor General, and John M. Johnson as Postmaster General.

The Legislature met again on the 10th of February, 1858, and the speech from the throne dealt mainly with the financial crisis which had affected the mercantile interest of the Province; the Intercolonial Railway, and the progress that was being made in the construction of the line between St. John and Shediac as a part of what was termed the European and North American Railway. The speech also referred to the fact that the surplus civil list fund had been, by arrangement with the British Government, made the previous year, placed at the disposal of the House of Assembly. It was soon seen that the Government was strong in the House, the first test vote being that taken on the passage of the address in reply to the speech from the throne. This came in the form of an amendment, which was moved by Mr. McIntosh of York, regretting that the arrangement in regard to the surplus civil list fund had been acceded to without the consent of the House. This amendment to the address only received the support of six members. A return brought down at an early period in the session showed that the revenue of the Province for the fiscal year ending October 31st, 1857, amounted to \$668,252, an increase of \$86,528 over the previous year. Of this sum upwards of \$540,000 came from import duties and what were termed railway impost, which was simply the duties levied on imports, for the purpose of defraying the cost of the railways then building.

The casual and territorial revenue only yielded \$18,000, but the export duties reached almost \$80,000.

The Intercolonial railway still continued to engage the attention of the Legislature, and correspondence with the Secretary of State, with the Government of Canada, and with the Government of Nova Scotia, in regard to this great work, was laid before the House soon after the session opened. The Government of New Brunswick consulted with the Governments of Canada and Nova Scotia, as to what assistance should be given by the Imperial Government, towards the construction of the Intercolonial from Halifax to Quebec, in the form of a guarantee of interest. The British Government, through the Colonial Secretary, Mr. Labouchere, replied, on January 15th, 1856, that while the British Government felt a strong sense of the importance of the object, they would not feel themselves justified in applying to parliament for the required guarantee, because they felt that the heavy expenditure to which Great Britain had been subjected, did not leave them at liberty to pledge its revenue for the purpose of assisting in the construction of public works of this description, however desirable in themselves. In other words, the British Government had so exhausted its resources in fighting useless battles in the Crimea and elsewhere, for the sake of the degraded and effete Mahommedan power, that it was unable to give any assistance to a necessary work of a peaceable character for the consolidation of the Empire. The Intercolonial railway has now been constructed without the British treasury

being drawn upon to the extent of one penny, and the British Government is now glad to use it and its kindred work, the Canadian Pacific, for the purpose of forwarding its soldiers from the Atlantic to the Pacific. These two great works remain as monuments of the spirit and courage of the people of the British Provinces of North America, but they redound nothing to the credit of any British Government or any Imperial statesman, it apparently being impossible for any one, brought up under the shadow of Downing Street, to discern any good thing in the colonies. The correspondence on the subject of the Intercolonial extended over a period of more than twenty years, and grew to enormous proportions, but it is entirely safe to assert that this line of railway would not have been constructed in our own time, but for the fact that it was undertaken by the Canadian Dominion, as a work which had to be built, for the purpose of carrying out the terms of confederation, as set out in the British North America Act.

Correspondence was brought down during this session on the subject of immigration to New Brunswick. Mr. Moses H. Perley, immigration agent, had visited the United Kingdom for the purpose of promoting the movement to induce people to emigrate to this country, but he did not find the British Government disposed to lend any assistance in relieving their cities of the unemployed, who might have been able to make a good living in this Province if brought to it. At this time there was a considerable amount of competition on the part of the Australian Colonies for

immigrants, and New Brunswick was not looked upon favorably as a field of immigration. It does not appear that the result of Mr. Perley's mission to England was very fruitful, the principal difficulty being, that he had no authority to expend much money for the purpose of promoting the object in view. There has always been a certain small movement towards this Province, on the part of the people of the British Islands desiring to change their residence, but the condition of the Province is such, both as to its labor market and its resources, that it would be unwise to bring people here in large numbers, unless arrangements had previously been made for settling them comfortably. British immigrants now prefer to go to those lands where there is no forest to be felled, or where the cities are large, and the chances of employment in various lines of industry are greater.

The financial statement brought down by Mr. Tilley, showed that the public debt of the Province at the end of the fiscal year, 1857, amounted to \$2,050,000, of which \$1,376,000 was funded, and bearing interest at the rate of six per cent. This debt had been largely incurred in railway construction or in stock taken in railways. The ordinary revenue was estimated at nearly \$650,000, and the ordinary expenditure at about \$2,000 less. These figures do not greatly differ from those of the present time, notwithstanding the fact that confederation had relieved us of many items of expenditure which the Province formerly had to bear. Everything, however, was on a small scale

in those days. A committee was appointed at this session of the Legislature, to inquire into the manner in which the work of railway construction to Shediac was being carried on. The committee reported later in the session. Their report seemed hostile to the Government, and censured the manner in which the contracts had been given out, and work done in many places without tenders. The people of this Province were then quite ignorant of railway building, and there is no doubt that the line to Shediac cost far more money than it ought to have done. The committee reported that according to the Engineer's statement the line would cost, when completed, £930,702, or £8,460 a mile; but the cost was considerably more, and exceeded four million dollars, and may be roughly put down at forty thousand dollars a mile, or twice the sum for which a similar railway could be constructed now. This report was received by the House, but was not adopted, although the vote upon it was a close one.

The railway to Shediac was finally completed and opened for traffic on August 5th, 1860, its length being 108 miles. The nineteen miles between Point Du Chene and Moncton, had been open as early as August, 1857, and the nine miles from St. John to Rothesay on June 1st, 1858. The railway was opened from St. John to Hampton, in June, 1859, and to Sussex, in November of the same year. Although the people of the Province had abated something of their enthusiasm for railways by the time the St. John and Shediac line was finished, still, its opening was a great event, because

it was the commencement of a new era in transportation in this Province, and gave St. John access to the North Shore, from which it had been practically shut out previously. Goods could now be sent by means of railway and steamer to Prince Edward Island, and to the New Brunswick ports on the Gulf of St. Lawrence, and a community of interest was thus created between the most remote sections of the Province, which did not exist before. The traffic receipts of the complete line were thought to be highly satisfactory; the business for the first three months amounted to about \$45,000, and yielded a revenue of \$18,000. This was a good showing and gave promise of still better things for the future. It may be interesting to state, that in the last year that the railway was operated by the Government of this Province, the gross receipts amounted to \$148,330, and the net receipts to \$51,760. The gross and net revenue of the road had shown a steady increase from the first, and although it had been a costly public work, the people of the Province considered it a good investment. It was only after it had passed into the hands of the Government of Canada, and become a part of the Intercolonial railway, that any color was given to the accusation that it was an unprofitable line. The railway, from St. John to Shediac, has always paid well, and probably, if dis-associated from its connecting lines, would at this day pay three or four per cent. on its original cost.

The legislation of the Province between 1854 and 1861, although it included many useful

measures, evolved nothing that calls for particular mention, with the exception of the law which provided for voting by ballot. This was an innovation to which many were opposed, but which the Liberal party very properly considered necessary for the protection of the voter, who was liable to be coerced by his employer, or by those who had financial relations with him. The ballot system introduced by the Government, was quite imperfect and did not insure absolute secrecy, because it did not provide for an official ballot, such as is required in the system of election which now prevails for members of our Canadian Parliament. Yet it was a vast improvement on open voting, not only because it gave the voter a certain degree of protection, but also from the fact that it tended to promote order at elections, and do away with that riotous spirit which was characteristic of the earlier elections in the Province.

In 1859, an important step was taken for the reorganization of King's College, which, by an act passed in that year, was changed into the University of New Brunswick. This act was based on a bill which had been prepared by the commissioners who had been appointed in 1854, to inquire into the state of the College. It transferred to the University of New Brunswick, all the property of King's College, and made the University liable for the payment of its debts. It created a new governing body for the College, to be styled the Senate, to be appointed by the Governor in Council, and it conferred upon it the power of appointing professors and other officers of the University,


except the President, and also the power of removing them from office, subject to the approval of the Governor in Council. It abolished the professorship of theology, and provided for the affiliation of other institutions with the University. Thus a new era in the higher education of New Brunswick was commenced, and a long step was taken, in advance, towards making the College more acceptable to the people of the Province. The University became what it should have been at the beginning, a non-sectarian institution, in which all denominations had equal rights. Great hopes were entertained at the time, that this change in the constitution of the College would lead to a large increase in the number of its students and a more general interest in its work, but unfortunately, as the sequel showed, these hopes were only partially realized. Denominational Colleges had, in the meantime, been founded, which drew away from the University many of the young men of the Province, so that it did not become the University of the whole people as it should have been. Having been founded upon the model of Oxford, as Oxford was seventy years ago, it was slow to adopt the modern system of college education, and it never won the favor of its graduates to the extent of receiving any considerable private benefactions, such as have enriched other colleges. Thus its work was and is restricted by lack of money, for its revenues have not received any material addition for half a century or until 1907, when \$5,000 a year additional was voted.

During the spring of 1860, circumstances occurred which led to the resignation of the Post Master General, Hon. Charles Connell. The Legislature having adopted the decimal system of currency, in the place of pounds, shillings, and pence, which had been the currency of the Province since its foundation, in March, 1860, Mr. Connell was authorized to obtain a new set of postage stamps, of the denominations required for use in the postal service of the Province. No person at that time thought that a political crisis would arise out of this order, but it appears that Mr. Connell, guided by the example of Presidents and Post Masters General in the United States, had made up his mind that, instead of the likeness of the Queen, which had been upon the old postage stamps of the Province, the five cent stamp, the one which would be most in use, should bear the impress of his own countenance. Accordingly the Connell postage stamp, which is now one of the rarest and most costly of all in the list of collectors, was procured, and was ready to be used, when Mr. Connell's colleagues in the Government discovered what was going on, and took steps to prevent the new five cent stamp from being issued. The correspondence on the subject, which will be found in the Journals of 1861, is curious and interesting, but it ended in the withdrawal of the objectionable stamps and in the resignation of Mr. Connell, who complained that he had lost the confidence of his colleagues, and who, in resigning, charged them with neglecting the affairs of the Province. Only a few of the Connell stamps got into circulation, the remainder

of the issue being destroyed. If anyone could have foreseen the enormous value which they would attain at a future day, a fortune might have been made by the lucky individual who succeeded in getting possession of them. Mr. Connell's place as Post Master General was filled by the appointment of James Steadman to that office.



CHAPTER XXXVI.

HE year 1860 was made memorable to the people of New Brunswick by the visit of the Prince of Wales, then a young man of eighteen. The Province had been visited by his grandfather, the Duke of Kent, many years before, but this was the first instance in which one who was heir to the throne, had come to New Brunswick. The people of this Province who are mainly descendants of the Loyalists, have always boasted of their attachment to British institutions and their loyalty, so that the Prince of Wales had as splendid a reception from them as their means admitted. He visited both St. John and Fredericton, and, at both places, met with enthusiastic crowds of his future subjects. The sending of the Prince to America was a wise move on the part of Her Majesty for the future monarch was able thereby to obtain a better knowledge of this portion of his Dominions and of its people, than he ever could have acquired from books. A British king should know the races over which he has to rule, and the Prince of Wales, who has now become King Edward the Seventh, has enjoyed better opportunities of knowing the people of his vast Empire, than any of his predecessors.

In the early part of 1861, a very important event occurred, in connection with the Government, which

produced a lasting effect on Provincial politics. Charges were made by a St. John Conservative paper, "The Colonial Empire," in which it was stated, that members of the Government and Crown Land officials, had been purchasing the most desirable and valuable Crown lands of the Province for speculative purposes, and that in bringing these lands to sale, the Government regulations had been violated, and the public treasury had thereby suffered. A committee of the House was appointed to investigate the charges, and inquiry established the fact, that an official of the Crown Land Department had purchased a large quantity of Crown land, and that the then Attorney-General and leader of the Government, had purchased some 800 acres. These lands were all bought at public sale, but, in the forms of application, other names were used, which was a violation of the rules of the Department. A portion of the press at that time created a widespread excitement upon this subject, and the services of the official referred to, were dispensed with. Some of the supporters of the Government also took such ground in reference to the Attorney General, Mr. Fisher, that his retirement from the Government became necessary. It was felt at the time that the penalty that was paid by the Attorney-General was excessive for the offence, but, under the excitement of the public mind then existing, it was the only course that could be taken to avoid the defeat of the Government. At the general election that followed a few months later, Mr. Fisher was re-elected for the County of York, and later on, after the excitement had passed over, the Crown land official was re-instated.

✓ The successful running of the railway from St. John to Shediac, and the opening of a portion of the St. Andrews railway from that port northward towards Woodstock, stimulated a desire for additional railway connection, particularly with Quebec and the United States. It may safely be said, that from the formation of the Liberal Government in 1854, to the time of Confederation, the principal policy of the Government was always a railway policy, and numberless communications were exchanged with the British Government, and the other Colonies which now form the Dominion of Canada, for the purpose of agreeing upon some common policy with the object of completing what is now known as the Intercolonial Railway. All previous applications to the Imperial Government for pecuniary aid to secure the construction of this railway having failed, the Governments of Canada, Nova Scotia and New Brunswick concluded, in 1861, to make one more effort before abandoning an undertaking of such national and Provincial interest, and to that end decided upon a meeting of representatives from the three Governments at Quebec. At a meeting held in the Executive Council Chamber at Quebec, on the 30th of September, 1861, there were present :

From New Brunswick : Hon. Mr. Tilley, Hon. Mr. Smith, Hon. Mr. Mitchell, Hon. Mr. Watters.

From Nova Scotia : Hon. Joseph Howe, Hon. Mr. Archibald, Hon. Mr. McCully.

From Canada : Hon. Mr. Cartier, Hon. Mr. Macdonald, Hon. Mr. Ross, Hon. Mr. Vankoughnet, Hon. Mr. Alleyne, Hon. Mr. N. Velleau, Hon. Mr. Galt, Hon. Mr. Cauchon.

It was then unanimously

Resolved, "That the three Governments of Canada, New Brunswick and Nova Scotia do renew the offers made to the Imperial Government on the 26th day of October, 1858, to aid in the construction of an Intercolonial Railway, to connect Halifax with Quebec; and that a delegation from each Province shall immediately proceed to England, with the object of pressing the project upon the attention of the Home Government; giving the assurance that the Governments of the respective Provinces, will endeavor to procure the necessary legislation at the next ensuing sessions of their respective Parliaments; and it was further

Resolved, "That the route to be adopted be decided by the Imperial Government."

The following gentlemen were appointed delegates to confer with the Imperial Government upon the subject above referred to: Hon. P. M. Vankoughnet, by the Canadian Government; Hon. Joseph Howe, by the Government of Nova Scotia; and Hon. S. L. Tilley, by the Government of New Brunswick.

While the delegates were in England engaged in submitting their proposition to the Colonial Secretary, news of the Trent affair reached that country. This was the seizure of Messrs. Mason and Slidell, two representatives of the Southern Confederacy, on board the British mail steamer "Trent," in the Bahama Channel, in December, 1861, by Capt. Wilkes, who was in command of the United States war-ship "San Jacinto." This flagrant violation of International law was dis-

approved by the Government of the United States, and Messrs. Mason and Slidell were given up to the British Government; but for a time it met with popular applause, and it seemed likely to lead to a war between Great Britain and the United States. Troops were sent out hastily to Canada for the purpose of defending that Province in the event of a war occurring, and as many of these troops had to be taken overland, through the wilderness between St. John and Quebec, it brought to the attention of the British Government, in a very emphatic manner, the imperfections of the existing means of communication between the several provinces. Such an object lesson, coming at such a time, was calculated to assist the delegates in placing their case before the British Government. They were able to show that the frontier of Canada was unprotected, and that a large hostile force might be thrown against it during the winter, long before any assistance could reach that Province from England.

The proposal which the delegates had to present to the British Government was to ask it to join the three provinces in a guarantee of four per cent upon £3,000,000, sterling, the assumed cost of the proposed railway, less the cost of the right of way, which the provinces were to provide. The three provinces agreed to pass bills of supply for £60,000 a year, if the Imperial Government did the same, the sum thus provided being to pay interest on the cost of the road. The Duke of Newcastle replied to this proposition, in a despatch which was dated the 12th of April, 1862, and declined to accede to.

the terms proposed. He professed, however, to be anxious to promote the building of the railway and said that the Imperial Government was willing to offer to the Provincial Government an Imperial guarantee of interest towards enabling them to raise, by public loan, the requisite funds for constructing the railway. The amount of the loan which the British Government would guarantee was not specified in the Duke of Newcastle's despatch, so that the whole affair was left in a very indefinite condition. Delegates representing the three provinces, met at Quebec in September, 1862, to consider the proposal of the Duke of Newcastle. New Brunswick was represented by Messrs. Tilley, Steeves, and Mitchell. Having discussed with the gentlemen present the immediate questions which had brought them together, the delegates from the Maritime Provinces declared their willingness to propose to their respective Governments to accept the proposition of the Duke of Newcastle, if the Government of Canada would bear one-half of the expense of the railway instead of one-third. After a day's deliberation, the Canadian Council communicated their ultimatum, which was an offer to assume five-twelfths of the liability of the construction and working of the Intercolonial Railway, provided the other two provinces would assume the remaining seven-twelfths. After serious and anxious deliberations, the delegates from Nova Scotia and New Brunswick decided to assume the responsibility. This agreement was embraced in a memorandum which was signed by the representatives of the three provinces, and it was

agreed that a joint delegation should proceed to England with as little delay as possible, to arrange with the Imperial Government the terms of the loan, the nature of the security required and the amount to be paid for the transport of troops and mails. The delegation to England was composed of Honorables Howland and Sicott for Canada: Hon. Joseph Howe for Nova Scotia: and the Hon. S. L. Tilley for New Brunswick. The departure of the Canadian delegates was delayed by a prolonged session of Parliament, but after their arrival in London, an early conference was arranged with Mr. Gladstone. The objections taken at this conference by the delegates, to the proposed terms were mainly to the Sinking Fund provisions. Mr. Gladstone desired that £3,000,000 should be set aside for this purpose, and that this was to be a first charge upon the revenues of the several Provinces. The delegates presented fully their objections to the Sinking Fund, and asked that their reasons as stated, should have the favorable consideration of the Imperial Government. This Mr. Gladstone promised a week later. In the meantime the Canadian delegates left for Paris. Before the week expired Mr. Gladstone sent his reply to the delegates. He held to his demand for a Sinking Fund, but explained that he did not wish the guarantee to take precedence of the then existing liabilities of the several Provinces. A copy of Mr. Gladstone's reply having been submitted to Mr. Howe and Mr. Tilley, then in London, and it being necessary for Mr. Tilley to return to New Brunswick at the earliest date

possible, they prepared and submitted to the Duke of Newcastle a memorandum, in which they stated that they hoped Mr. Gladstone might be induced to reconsider the matter of the Sinking Fund and that the Cabinet might be able to convince Parliament that a Sinking Fund should not be insisted upon. But if it was Messrs. Howe and Tilley would not assume the responsibility of perilling or delaying this great enterprise by neglecting what the Chancellor of the Exchequer seemed to regard as an indispensable condition.

When the Canadian delegates received Mr. Gladstone's reply, they left England without any acceptance of the terms proposed, and without a formal rejection. Previous to the meeting of the Canadian Parliament, Mr. Tilley was requested to proceed to Quebec, and urge upon the Canadian Government the preparation of the necessary bills to carry out the agreement entered into for the construction of this great railway. Mr. Tilley reported to the Lieutenant-Governor of New Brunswick, and to Mr. Howe, that the Government of Canada, for reasons stated by them, could not then undertake to have passed the legislation required, which they greatly regretted, but that they had not abandoned the arrangements or the construction of the railway, and would be willing to ask for a vote of money to cover their share of the cost of its survey. It was, therefore, a matter of great surprise and regret, to the friends of this international work in Canada and England, that the Government, during the session, declared that they had abandoned this important enterprise. The engagements

entered into by the Governments of Nova Scotia and New Brunswick were discharged to the letter by the passage of the necessary legislation, but no further steps were taken by the Government and Legislature of Canada, to secure the construction of this railway until the Confederation negotiations were commenced in 1864.

We now come down to an event of the greatest interest, and of such vast and widely reaching importance, that it overshadows almost every other in the history of the Province. The Confederation of the Canadian Provinces was, beyond all question the most notable movement that had been taken by any colony of the British Empire, since the Declaration of Independence of the thirteen colonies. It changed at once the whole character of the Colonial relation which had subsisted with the Mother Country, and substituted for a few weak and scattered colonies, a powerful Dominion, able to speak with a united voice, and stand as a helpmate to the nation from which most of its people had sprung. No man, whatever his views as to the wisdom of that political union may have been at the time, can now deny that it was timely and necessary, if the Colonies and the Mother Country were to preserve their connection with each other. It is safe to say, that if Confederation had not taken place in 1867, British interests on this continent would have suffered, and possibly some of the Colonies would now have been a part of the United States. The policy of separating the Colonies from England, which has been so much advocated by many leading public men in the great republic,

would have found free scope, and by balancing the interests of one colony against those of another, promoting dissensions and favoring those Provinces which were disposed to a closer union with the United States, something might have been done to weaken their allegiance to the British Empire, a connection with which, is now the glory and the strength of the Dominion of Canada.

The question of the union of the several colonies of British North America was by no means a new one, when it came up for final settlement. It had been discussed at a very early period in the history of the Provinces, and indeed it was a question which it was quite natural to discuss, for it seemed but reasonable that colonies of the same origin, owning the same allegiance, filled with people who differed but little from each other in any respect, and with many commercial interests in common, should form a political union. No doubt it might have been brought earlier to the front as a vital political question, but for the fact that the British Government, which was most interested in promoting the union of the colonies, took no step towards that end, until almost compelled by necessity to move in the matter. The Colonial policy of England, as represented in the Colonial office and in the royal instructions to Colonial Governors, has seldom been wise or far-seeing, and the British Colonies which now girdle the world, have been built up mainly as a result of private enterprise; for the part taken by the Government has, in most cases, been merely a concurrence in what private individuals had already done, and to

assist in protecting British interests when they have become important in the new regions of the world. When we consider the manner in which Cabinet appointments have been and are still arranged in England, this weakness, on the part of the Colonial office, need not surprise us. The English Prime Minister, in filling up his Cabinet, can give but little attention to the question of merit and fitness, as compared with availability on the score of influence and family connection. Until recently, the system of Government in England has been mainly aristocratic, and leading families, who were supposed to be able to lend political strength to the Cabinet, were able to force inefficient members upon it, thus making it an aggregation, not of talents, but, of money and titles. Until the year 1801, the business of the colonies was carried on at the Home office, but in that year it was transferred to the Secretary of State for War, and so continued until 1854, when the offices were divided, and Sir George Grey became first Secretary of State for the Colonies. Under such circumstances we need not feel any surprise that the business of the Colonies was done in a very imperfect fashion, and that very absurd notions prevailed, in regard to the manner in which they ought to be treated.

It has been seen that in the early years of New Brunswick's history the Government was largely controlled by the Lieutenant Governor, who received his commands from Downing Street, and who made things pleasant for himself by entering into alliance with leading families in the Province, among whom

the offices were divided, and who enjoyed the distinction of being his advisers in all matters. The home authorities seemed to think, that if these families were pleased everything was well, and they claimed as a right, the distribution of offices and the control of legislation, in a manner which no Colonial Minister in his senses, would now dream of attempting to exercise. When the Earl of Durham was sent out as Governor General of Canada, after the rebellion there in 1838, he suggested in his report, that the union of the colonies of British North America was one of the remedies which ought to be resorted to for the pacification of Canada and the reconstruction of its constitution. Lord Durham, although of high descent and an earl of the United Kingdom, was a strong Liberal, and in fact a Radical in his political notions, and as a consequence incurred the hatred of all the aristocratic nobodies who formed British society, and who even to this day are ready to hiss a British Prime Minister of Liberal tendencies. Lord Durham was made the object of bitter attacks by the entire Tory body in England, and some actions of his, in which he seemed to have strained the constitution, were made a pretext for his dismissal from office and his disgrace. He died a broken-hearted man, but the principles which he enunciated in his report did not die, but survived, to find their full fruition a quarter of a century later, at a time when Toryism had less ability to injure, and when it had somewhat modified its views with regard to the Colonies.

While a large portion of the people of the colonies looked with favor upon the idea of a political union, there was in all of them a large body of objectors who were steadily opposed to it. People of that kind are to be found in all countries, and they have existed in all ages of the world's history. They are the persons who see, in every new movement, a thousand difficulties which cannot be surmounted. Their minds are constructed on the principle of rejecting all new ideas, and hanging on to old forms and systems long after they have lost their vitality. They are a class who look back for precedents for any step of a political character which it is proposed to take, and who judge of everything, by the standard of some former age, and by the answer to the question whether such a thing has ever been heard of before or not. They seem to forget that precedents must be created some time or another, and that the nineteenth century had as good a right to create precedents as any of its predecessors. To these people every objection that could be urged against Confederation was exaggerated and magnified, and whenever any proposal was made which seemed to tend towards the union of the Colonies, their voices were heard upon the other side. We need not doubt the honesty or loyalty of these objectors, or consider that they were either unfavorable to British connection or to the building up of the Empire. It was merely their misfortune that, constitutionally, they were adverse to change, and could not see any merit in a political movement which involved the idea of novelty.

The principal advocate of Confederation in the Maritime Provinces, was Hon. Joseph Howe, a man of such ability and force of character that, on a wider stage, he might have risen to great eminence, and have been regarded as one of the world's mightiest statesmen. When we contrast the noble figure of Joseph Howe with some of the nobodies who have been thrust into high office in England, even into the Premiership, it is impossible to restrain a regret that so great a man, one so imperial in his instincts and views, should have been condemned to spend his whole life in a small Province, and to become so dwarfed by its party politics, as, for a time, to lose his character as a statesman and sink to the level of a mean politician looking for office, rather than for the good of his country. When the Confederation question came up for final discussion in the Maritime Provinces, Joseph Howe, who had awakened in these Provinces the desire for such a union, was found arrayed against it, and used all his eloquence and power to defeat the measure of which he had been himself the leading advocate, and which he had taught the people of Nova Scotia and New Brunswick to consider essential to their well-being. No more striking instance than this can be recorded of the disastrous effect of small Provincial politics on the mind of a great man.

The question of the political union of the British North American Provinces was brought up in the House of Assembly of Nova Scotia in 1854, and then, the leaders of both parties, Honorable Mr. Johnson for the Conservatives, and Honorable Mr. Howe for the Liberals, united in advocating the measure

and in depicting the advantage which would accrue from it, not only to Nova Scotia, but to every British Province in North America. In 1858 the question of Confederation was brought up in the parliament of Canada, and such a union was made a part of the policy of the Government, for Mr. A. T. Galt, on becoming a member of the administration, insisted upon it being made a Cabinet question, and Sir Edmund Head, the Governor-General, in his speech at the close of the session, intimated that his Government would take action in the matter during the recess. Messrs. Cartier, Galt and Ross, who were in England, representing the Government of Canada, waited upon the Colonial Secretary, Sir Edward Bulwer Lytton, asking the authority of the Imperial Government for a meeting of representatives from each of the colonies to take the question of union into consideration, but met with a rebuff, which no doubt was the result of a conference with the other members of the Government on the subject. The Earl of Derby, who soon afterwards became Prime Minister, and his Government, had no inclination at that time to enter into so vast a question as the Union of the British North American Colonies. The Colonial Secretary informed the Canadian delegates that the question of Confederation was necessarily one of an Imperial character, and declined to authorize the meeting, because no expression of sentiment on the subject had been received from any of the Maritime Provinces except Nova Scotia. The Earl of Derby's Government fell a few months after this declaration of its policy in regard to the Colonies, and was

succeeded by the Government of Lord Palmerston, which was in office at the time when the negotiations, which resulted in the Confederation of the Colonies, were commenced. At first Lord Palmerston's Government seemed to have been no more favorable to the union of the colonies than its predecessor; for in 1862, the Duke of Newcastle, then Colonial Secretary, in a despatch to the Governor General of Canada, after stating that Her Majesty's Government was not prepared to announce any definite policy on the question of Confederation, added that "If a union, either partial or complete, should hereafter be proposed, with the concurrence of all the Provinces to be united, I am sure that the matter would be weighed in this country both by the public, by Parliament and by Her Majesty's Government, with no other feeling than an anxiety to discern and promote any course which might be the most conducive to the prosperity, strength, and harmony of all the British communities of North America." It must always be a subject of astonishment that the British Government, for so many years, should have had no definite policy on a matter so momentous, and that they should have sought to discourage, rather than promote, a project which has been of such vast importance to the Empire as a consolidating force, not only by the manner in which Canada itself has been made to serve Imperial needs, but also for the example which it showed to other colonies, of the way in which they could preserve their connection with the Mother Country, and, at the same time, enjoy

freedom of action in the administration of their affairs, while acquiring that consideration and respect which is due to strength and unity.

The first impulse in favor of Confederation in the minds of the members of Lord Palmerston's Cabinet, seems to have developed about the time when it became evident that the result of the civil war in the United States would be the defeat of the Southern Confederacy and the consolidation of the power of the great republic in a more effectual union than that which had existed before. No one who was not blind could fail to see that this change of attitude on the part of the United States, would demand a corresponding change in the relation of the British Colonies towards each other. From being a mere federation of States, so loosely connected that secession was frequently threatened by States both north and south, the United States, as the result of the war, had become a nation with a strong central government, which had taken to itself powers never contemplated by the constitution and which added immensely to its offensive and defensive strength. In 1863, Thomas D'Arcy McGee, a member of the Canadian Cabinet and a man of great eloquence and ability, visited St. John and delivered a lecture in the Mechanic's Institute hall on the subject of the union of the colonies. His lecture was fully reported in the "Morning News," a paper then published in that city, and attracted a wide degree of attention, because it opened up a new subject of interest for the contemplation of the people of the Provinces. Shortly afterwards a series of articles on the same

subject, written by the author of this book, appeared in the columns of the "Morning News," and were widely read and quoted. These articles followed closely the lines laid down for the union of the colonies by the late Peter S. Hamilton, of Halifax, a writer of ability, whose articles on the subject were collected in pamphlet form and extensively circulated. Thus, in many ways, the public mind was being educated on the question of Confederation, and the doctrine that the union of the British North American colonies was desirable, was generally accepted by persons who gave any attention to the subject. It was only when the matter came up in a practical form, and as a distinct proposition to be carried into effect, that the violent opposition, which afterwards developed itself against Confederation, began to be shown.

The failure of the negotiation for the construction of the Intercolonial Railway had convinced the people of New Brunswick that there was nothing to be hoped for at that time, in regard to the completion of that great work. Their minds, therefore, were naturally turned towards obtaining railway connection with the United States, and completing the original scheme of the European and North American Railway, which was designed to run from Halifax to Bangor by way of St. John, and there connect with the railway system of the United States. The Government of Nova Scotia had already constructed, as a part of that work, the line from Halifax to Truro, while the Government of New Brunswick had built the line from Shediac to St. John, but the portion between Moncton and

Truro, which was necessary to connect with Halifax, and the portion between St. John and Bangor, which was necessary to connect with the United States, still remained unbuilt, and indeed no step had been taken towards its construction. In St. John a demand arose for the construction of the railway to the Maine border as a Government work, it being understood that the line from Bangor to the New Brunswick boundary, "would be built, if our people would meet the Maine people on the border." A numerous signed petition was sent up to the Government on the subject at the session of 1864, and such a strong pressure was brought to bear upon the administration that it was clear, that something had to be done to assuage the threatened storm, and to give the people of the Province such railway facilities as they demanded. It was clearly impossible for the Government to comply with the request of the St. John people and their representatives, unless something was done also to aid railway construction in other parts of the Province. There always has been in New Brunswick a very considerable amount of sectional jealousy on such subjects, and it was not to be supposed that the people of the North Shore and up river counties, would view with complacency the proposal to expend a very large sum of money in building the railway to the Maine boundary, while nothing was being done to enable them to obtain railway facilities. Under these circumstances the Government resolved upon the introduction of a Railway Facility Act, giving a bonus of \$10,000 a mile for the construction of certain railways. The lines embraced in this

Act, were a line from St. John to the Maine border, with a branch to Fredericton; a line from St. Stephen to the St. Andrews line, and from the terminus of that line to Woodstock; a line from some point between Moncton and Shediac, to the Nova Scotia boundary; a line from some point of the European and North American Railway to Hillsboro and Hopewell; and a line from Moncton north, to the Miramichi.

This bill, when it made its appearance in the House of Assembly, was considered by the opposition to be a very absurd measure, and some of the wits of that side of the House, named it the "Lobster Act," because its provisions seemed to extend to all parts of the Province, like the claws of a lobster. But the result has amply justified the wisdom of the men by whom the Act was framed and carried in the Legislature. The persons who predicted that no railway would ever be built under it, found that they had greatly mistaken the temper and enterprise of our people; because, no sooner was it passed, than measures were taken to render it operative. Under this act, in the course of a few years, the line was built to the Maine border with a branch to Fredericton; the connection with Woodstock and St. Andrews was completed; a line from Painsec Junction to Sackville was constructed; and also a line into Albert County. In fact, all the lines contemplated by this act, have since been built, either under its terms, or in other ways which rendered the facilities it gave unnecessary.

At the same session of the Legislature, a highly important subject was taken up, which aided very

materially in the movement which afterwards culminated in the Confederation of the British North American Colonies. Resolutions were passed authorizing the Government to enter into negotiations and hold a convention for the purpose of effecting a union of the Maritime Provinces. Similar resolutions were carried in the Legislatures of Nova Scotia and Prince Edward Island, and the convention thus authorized, was appointed to meet at Charlottetown, in the latter Province, in the month of September following. This movement for Maritime Union arose as the result of negotiations which had been going on for some time, between the Governments of Nova Scotia and New Brunswick.

Previous to the year 1861 a number of factories of various kinds had been established in the Maritime Provinces, but the limited market they then enjoyed prevented their extension and crippled their operations. To remedy this, Mr. Tilley, with the approval of his colleagues in the Government, visited Nova Scotia and Prince Edward Island and proposed to the Governments of both Provinces the free exchange of the manufactures of the three Provinces, free admission of their natural products and a uniform tariff on dutiable goods. In Halifax, he had a lengthy and satisfactory conference with Mr. Howe, the then leader of the Government, and with Dr. Tupper, the leader of the opposition. Both gentlemen agreed that the proposed arrangements would be in the interests of the three Provinces, and Mr. Howe agreed on legislative action at the next session. Mr. Tilley then



THE PUGSLEY GOVERNMENT.

Hon. William Pugsley
Hon. W. P. Jones
Hon. Chas. H. Labillois

Hon. C. F. Robinson
Hon. F. J. Sweeney
Hon. L. P. Farris

proceeded to Charlottetown, Prince Edward Island. At the conference held with the Government there, his proposal was not so favorably entertained, the objection being that the then tariff of Prince Edward Island was lower than the tariff of either Nova Scotia or New Brunswick, and sufficient for the financial wants of the Island, and that the necessary advance would be imposing taxation beyond their requirements. Notwithstanding the failure to secure the co-operation of the Island Government, it was decided that the joint action of the Nova Scotia and New Brunswick Legislatures in the direction named, was desirable. When the Nova Scotia Legislature met and the public accounts were prepared, it was found that a reduction of tariff was not practicable, and Mr. Howe informed Mr. Tilley that the scheme would have to be postponed, though in other respects desirable. One of the objects of the conference later on, to consider the union of the Maritime Provinces, was the securing of the trade arrangements proposed by the conference referred to. The step taken in 1861 led up to the larger questions presented in 1864.

Another event occurred in the summer of 1864, which had its effect on the question of Confederation. Up to that time the people of Canada and New Brunswick had been almost wholly unknown to each other, because the difficulties of travelling between the two Provinces were so great. Any person who desired to reach Montreal at that time from St. John, had to take the International steamer to Portland, and was then carried by the Grand Trunk Railway to his destination. Quebec

could be reached in summer, by a steamer from Pictou, which called at Shediac, but in winter the journey had to be made by the Grand Trunk Railway from Portland, the only alternative route being the road by which the mails were carried, from Edmundston north to the St. Lawrence. Under these circumstances the people of the Canadian Provinces and New Brunswick had but few opportunities of seeing each other, and the people of these Provinces knew much more of their neighbors in the United States, than they did of their fellow colonists. One result of Hon. D'Arcy McGee's visit in 1863, was an invitation by the city of St. John to the Legislature of Canada, to visit the Maritime Provinces. The invitation was accepted, and a party of about one hundred, comprising a number of the members of the Legislature, newspaper men and others, visited St. John in the beginning of August, 1864. Their trip was extended to Fredericton, where they were the guests of the Government of New Brunswick, and to Halifax, where they were the guests of that city and of the Government of Nova Scotia. This visit produced a good effect upon the public mind, and enabled our people to see what kind of men their fellow colonists of Upper and Lower Canada were.

In the meantime a great crisis had arisen in the Government of Canada, which was the immediate cause of the active part which that Province took in the Confederation movement. When Upper and Lower Canada were united in 1841, it was arranged that the representation of each Province

in the United Legislature should be equal. The arrangement at that time was favorable to Upper Canada, which had a smaller population than Lower Canada, but in the course of time, as the population of Upper Canada increased faster than that of the Lower Province, the people of Upper Canada felt that they had much less representation than they were fairly entitled to, and this led to the cry for "Representation by Population," which was so often heard in that Province prior to the era of Confederation. In 1864, Upper Canada had held a million more people than Lower Canada, and yet was only entitled to the same number of members in the Legislature. Another serious difficulty, which arose out of the Act of Union, was the necessity of the Government having a majority in the Legislature of each Province. This, in time grew to be so flagrant an evil that the successful Government in one Province might at any time be disturbed by some local feeling of jealousy, and as a consequence the Government overthrown. To trace the history of the difficulties which arose from this cause would be to recite twenty years of the history of Canada, but it is only necessary to point out thus plainly, the reasons for the willingness of the people of Upper and Lower Canada to resort to Confederation as a means of getting rid of their embarrassments. In 1863, the Hon. John Sanfield McDonald was leader of the Government, but he was compelled to resign when Parliament met in the early part of 1864, and in March of that year, a new administration under the Premiership of Sir E. P. Tache was formed. This new Government

developed very little strength and was threatened with defeat. On the 14th of June, the Tache Government was defeated by a vote of 60 to 58, on a question relative to some transaction connected with the bonds of the city of Montreal. A deadlock had come and, as it was evident that no new Government which could be formed, was likely to command sufficient support, it became a necessity to make some new arrangements in regard to the system of administration. Immediately after the defeat of the Government, Mr. George Brown, leader of the opposition, spoke to several supporters of the administration, strongly urging that the present time should be utilized for the purpose of settling, forever, the constitutional difficulties between Upper and Lower Canada, and assuring them that he was prepared to co-operate with the existing or any other administration that would deal with the question promptly and firmly, with a view to its final settlement. Messrs. Morris and Pope, to whom he spoke, asked and obtained leave to communicate this conversation to Mr. John A. Macdonald, the Attorney General, and Mr. Galt. Messrs. Brown, Macdonald, and Galt, met on June, 17th at the St. Louis Hotel, and discussed the situation. Mr. Brown stated that nothing but the extreme urgency of the crisis and the hope of settling the sectional difficulties of the Province would, in his opinion, justify him in meeting with the members of the Government, with a view to common political action. He was informed by Messrs. Galt and Macdonald, that they were charged by their colleagues, formally to invite his aid in


strengthening the administration with a view to the settlement of those difficulties. Mr. Macdonald desired Mr. Brown to enter the Cabinet, and the result of a considerable amount of negotiation, was a pledge on the part of the Government to bring in a measure at the following session, for the purpose of removing existing difficulties by introducing the Federal principle into Canada, coupled with such provisions as would permit the Maritime Provinces and the North West Territory, to be incorporated into the same system of Government. On this pledge being given, Messrs. Brown, Mowatt, and McDougal, all prominent reformers, entered the Cabinet. Thus a coalition was formed between the leaders of the Reform and Conservative parties, for the purpose of carrying a measure for the Confederation of the British Provinces of North America. It is easy to see from the tenor of the negotiations, that nothing short of the emergency which had arisen in Canada, could have induced the leaders of the Reform party there to join with Conservatives in this movement, nor is it likely that the latter would have troubled themselves about the matter, had they not been influenced by the same motive. The necessities of Canada, in a political sense, alone brought about the existence of the present great Dominion which stretches from ocean to ocean.

The delegates appointed by the Government of New Brunswick for the purpose of representing this Province at Charlottetown, in the convention for a union of the Maritime Provinces, were the Honorable Messrs. Tilley, Steeves, Johnson, Chandler and

Gray. The first three were members of the Government, while Messrs. Gray and Chandler were leading members of the opposition, so that the arrangement had the assent of the leaders of both political parties, and was in no sense a party movement. The Nova Scotia delegation consisted of Honorable Charles Tupper, the leader of the Government, the Attorney-General, Mr. Henry, and Mr. Dickey, a Conservative supporter, and also the Honorable Adam G. Archibald and Jonathan McCulley, leaders of the Liberal party. The Prince Edward Island delegates were also chosen from both sides of politics. The convention was opened in due form at Charlottetown, on September 8th, in the chamber of the House of Assembly. The delegations had no power to decide finally on any subject, because any arrangements they made were necessarily subject to the approval of the Legislatures of the three Maritime Provinces. But at this time the sentiment in favor of Maritime union was so strong, it was confidently believed that whatever was agreed upon at Charlottetown, would become the basis of a future union.



CHAPTER XXXVII.

HE Government of Canada had full knowledge of what was going on at Charlottetown, and they considered the time opportune for the purpose of bringing to the notice of the delegates from the Maritime Provinces, the subject of a Confederation of all the British North American colonies. A telegram was received while the delegates were in session, announcing that representatives of the Government of Canada had left Quebec for the purpose of meeting the delegates of the Maritime Provinces, and placing certain proposals before them, and on the receipt of this message the further consideration of the question, which they had met to discuss, was deferred until after the Canadian delegates had arrived. They came in the Government steamer "Victoria" on the day following the receipt of the telegram announcing their departure, and were found to embrace the leading men then in Canadian public life, the Hons. J. A. Macdonald, George Brown, George E. Cartier, Alex. T. Galt, Thomas D'Arcy McGee, Hector L. Langevin, William MacDougall and Alex. Campbell. Those delegates represented the Reform as well as the Conservative party, and were therefore able to speak with authority, with regard to the views of the people of both Upper and Lower Canada.

They were accorded seats in the convention, and at once submitted their reasons why, in their opinion, a scheme of union, embracing the whole of the British North American colonies, should be adopted. The Hon. John A. Macdonald and Messrs. Brown and Cartier were heard on this subject ; the financial position of Canada was explained, and the sources of revenue and wealth of the several Provinces, were discussed. Speeches were also made by Messrs. Galt, McGee, Langevin, and MacDougall, and, after having commanded the attention of the convention for two days, the Canadian deputation withdrew. Before doing so, they had proposed that if the convention concluded to suspend its deliberations upon the question of Maritime Union, they should adjourn to Quebec at an early day, to be named by the Governor General, to consider the question of Confederation. On the following day the convention adjourned upon the ground, that it would be more for the general interest of British North America, to adopt the larger union than a mere union of the Maritime Provinces, and it was thought that this might be effected without any very great difficulty, for there was then no strong feeling evinced in any quarter against Confederation.

From Charlottetown the members of the convention and the Canadian deputation went to Halifax, where they were received most cordially and entertained at a banquet at the Halifax Hotel. They then took their departure for St. John, where they were entertained at a public dinner at which many leading men of the city were present. The

chair was occupied by the Hon. John H. Gray, one of the delegates, and the expressions in favor of the proposed confederation were strong and hearty. No one could have suspected at that time, that the movement for Confederation would meet with so much opposition in New Brunswick. All seemed plain sailing, but, as the result showed, the battle for Confederation had yet to be fought and it was only won after a long and doubtful struggle.

According to arrangement the delegations from the provinces met in convention at Quebec, on the 10th of October; all the colonies, including Newfoundland, were represented, and the delegates from New Brunswick were: —

Hon. Samuel L. Tilley, Provincial Secretary, M. P. P., Hon. John M. Johnson, Attorney General, M. P. P., Hon. Edward B. Chandler, M. L. C., Hon. John Hamilton Gray, M. P. P., Hon. Peter Mitchell, M. L. C., Hon. Chas. Fisher, M. P. P., Hon. William H. Steeves, M. L. C.

Sir Etienne P. Tache, who was then Premier of Canada, was unanimously chosen President of the conference, and Major Hewitt Bernard, of the staff of the Attorney General West, Private and Confidential Secretary. It was arranged that the convention should hold its meetings with closed doors, and it was laid down as a principle of the discussion, that as the matters to come up for debate, were all of a novel character, no man should be prejudiced or held liable to the charge of inconsistency, because he had changed his views in regard to any particular matter in the course of the discussion. It was also agreed that the vote,

in case of a division, should be by provinces and not by members, Canada having two votes, representing Canada East and Canada West, and each of the other provinces one. This arrangement made it quite certain that the interests of the Maritime Provinces were not likely to be prejudiced by the result of the vote or the work of the convention. It was soon decided that a federal union was to be preferred to a Legislative union, and on the second day of the meeting, the outlines of the proposed Confederation were submitted in a series of resolutions by the Honorable J. A. Macdonald. The general model of the proposed Confederation, was that of the United States, but with this difference, that whereas, in the United States all powers, not expressly given by the constitution to the Federal Government, are held to belong to the several States, in the Canadian constitution, all powers not expressly reserved to the several provinces, are held to belong to the Federal Parliament. Thus in the United States, the residuum of power is in the several States, while in Canada it is in the Federal union, and in the Parliament of the Dominion. No doubt the recent example of the civil war in the United States, which was the result of an extreme assertion of State rights, was largely responsible for this feature of the Canadian constitution. It is clear, however, that it is a feature that is to be commended, because its tendency is to cause Canadians, to regard themselves rather as Canadians than as belonging to any particular Province, while, in the United States, the feeling of statehood is still very strong.

as has been shown by recent events in that country. There are, of course, many other contrasts between the Canadian Confederation and the Federal union of the United States, arising from radical differences in the system of Government. Nothing like Responsible Government, as understood in the British Empire, exists in the United States, while this essential feature had to be preserved in the Canadian constitution, not only with reference to the Dominion Parliament, but also in the Legislatures of the several Provinces. It is quite safe to assert that viewing the Confederation in all its aspects, it is a much more efficient and satisfactory form of Government than that which exists in the United States, and that our Provincial Governments are superior in every respect, to the State Governments of that country.

One great difficulty in discussing the terms of a union was with respect to the amount of money to be given by the Federal Government to the several Provinces for Legislative purposes, in lieu of the revenue which they had been accustomed to obtain from customs duties and otherwise. The whole Customs establishment was to be transferred to the central Government, and as most of the Provinces would have no other means of obtaining a revenue except by direct taxation, this feature of the matter became of very vital importance. The difficulty was increased by the fact that, by the municipal system then prevailing in Upper Canada, the local needs of the municipalities, in the way of roads, bridges, schools and other matters, were provided for by local taxation,

whereas in the Maritime Provinces, the Provincial Government had been accustomed to bear these burdens. It was therefore an essential requisite to any scheme of union, to make it acceptable to the people of the Maritime Provinces, that sufficient money should be given to the Provincial Governments to enable them to continue these services as before. It was difficult to convince the representatives of Upper Canada of this, and it appears that the conference came near breaking up without arriving at any result, simply because of the apparently irreconcilable differences of opinion between the representatives of the Maritime Provinces and those of Canada, in regard to this point. Finally these differences were overcome, and the conclusions of the conference were embodied in a series of seventy-two resolutions, which were agreed to, and which were to be authenticated by the signatures of the delegates, and to be transmitted to their respective Governments, and also to the Governor General, for the Secretary of State for the colonies. These resolutions formed the first basis of Confederation, and became what is known as the Quebec scheme.

It was perhaps inevitable, that during the discussion of the scheme of Confederation by the Quebec convention, the proceedings should be secret, but this restriction as to secrecy should have been removed as soon as the convention adjourned. That this was not done was the principal reason for the very unfavorable reception which the Quebec scheme met with from the people of New Brunswick, when it was placed before them. It was agreed at

the Quebec conference that the scheme should not be made public until after the delegates had reported to their respective Governments for their approval, but it was impossible that a document, the terms of which were known to so many men, should be kept wholly concealed from the public, and so the details of the scheme leaked out, and soon became a topic for public discussion. These discussions would have been conducted in a much more friendly spirit if the Quebec scheme had been given freely to the world, but as it was, prejudices and jealousies in many cases darkened the question, and made men, who were otherwise friendly to Confederation, assume an attitude of hostility to the Quebec scheme.

One of the points which at once attracted the attention of the opponents of the scheme, was the sums allowed to the several provinces for the purpose of conducting their local affairs. As the provinces had to surrender to the general Government their right to levy customs and exercise duties, it became necessary to make up in some way a sum sufficient to enable them to carry on these services which were still left to the Provincial Legislatures. It was arranged that this sum should be eighty cents a head of the population of the provinces, as established by the census of 1861, which would give to the Province of New Brunswick something more than \$200,000. This feature of the Confederation scheme was eagerly seized upon as being a convenient club with which to strike it down. The cry was at once raised that the people of New Brunswick were asked to sell themselves to Canada for the

sum of eighty cents a head, and this parrot-like cry was repeated with variations, throughout the whole of the election campaign which followed in New Brunswick. It has often been found that a cry of this kind, which is absolutely meaningless when reduced to reason, is more effective than the most weighty arguments, for the purpose of influencing men's minds, and this proved to be the case in New Brunswick, when the question of Confederation was placed before the people. It was conveniently forgotten by those who attacked the scheme in this fashion, that if the people of New Brunswick were selling themselves to Canada for the sum of eighty cents a head, the people of Canada were likewise selling themselves to us for the same sum, because the amount set apart for the Provincial Legislatures was precisely the same in each case. It would not, however, have suited the enemies of the Confederation scheme to view the matter in this light: what was wanted was a cry which would be effective for the purpose of injuring the scheme, and making it distasteful to our people who were asked to vote upon it. It is not necessary to assume that those who opposed Confederation were all influenced by sinister motives. Many honest and good men, whose attachment to British institutions could not be questioned, were opposed to it, because their minds were of a conservative turn, and because they looked with distrust upon such a radical change which would alter the relations which existed between the Province and the Mother Country. Many, for reasons which it is not easy to

understand, were distrustful of the politicians of Canada, whom they looked upon as of less sterling honesty than our own, and some actually professed to believe that the Canadians expected to make up their financial deficits by drawing on the many resources of the Maritime Provinces through the Confederation scheme. On the other hand Confederation was opposed in the Province of New Brunswick by a number of men who could only be described as adventurers or discredited politicians, and who saw in this contest, a convenient way of restoring themselves to influence and power. There were also among the opponents of the scheme some men who recognized in its success the means of perpetuating British power on this continent, and who being annexationists, naturally looked with aversion upon it for that reason. The vast majority of the people, however, had given the matter but the slightest degree of attention, and their votes were cast in accordance with prejudices hastily formed, which they had an opportunity of reconsidering before another year and a half had elapsed.

It had been arranged at the Convention, that the first trial of the scheme before the people should be made in the Province of New Brunswick, the Legislature of which was about expiring, and accordingly, the appeal was made to the people, and the elections came on in the month of March, 1865. The enemies of Confederation were very active in every part of the Province, and they left no stone unturned to defeat the measure. The great cry upon which they based their opposition to the union with Canada was that of taxation, and,

as the voters of New Brunswick were not inclined to favor any policy which involved high taxation, the appeals made in this way had a powerful effect. All through the rural constituencies the opposition candidates told the electors, that if they united themselves with Canada direct taxation would be the immediate result; that every cow, every horse, and every sheep which they owned would be taxed, and that even their poultry would not escape the grasp of the Canadian tax-gatherers. In the city of St. John, Mr. Tilley and his colleague, Mr. Charles Watters, were opposed by Mr. J. V. Troop and Mr. A. R. Wetmore. Mr. Troop was a wealthy shipowner, whose large means made him an acceptable addition to the strength of the anti-confederate party, although previously he had taken no active part in political affairs. Mr. Wetmore was a lawyer of standing in St. John, who was considered to be one of the best *nisi prius* advocates at the bar, and who carried the methods of the bar largely into his politics. Mr. Wetmore never pretended to have any political principles, or any views whatever of a fixed character in regard to Confederation, or any other political subject. Indeed it was his boast on a later occasion, that, as he had been on both sides of the Confederation question he had the assurance that he was at least right once. He rushed into the contest for the purpose of bettering his own fortunes, and he succeeded in doing so by becoming in the course of time, Attorney General of the Province, and later on a judge of the Supreme Court. Mr. Wetmore when haranguing St. John.

audiences, used to depict the dreadful effects of Confederation in a manner peculiarly his own. His great plea was an imaginary dialogue between himself and his little son, that precocious infant asking him in lisping tones, "Father what country do we live in?" to which he would reply, "My dear son you have no country, for Mr. Tilley has sold us all to the Canadians for eighty cents a head."

In the county of St. John, the Honorable John H. Gray, Charles N. Skinner, W. H. Scovil and Mr. Quinton, who ran as supporters of Confederation, were opposed by John W. Cudlip, T. W. Anglin, the Honorable R. D. Wilmot and Joseph Coram. Mr. Cudlip was a merchant, who at one time enjoyed much popularity in the city of St. John, but who was wholly unfit for political life. He was an impulsive man, easily carried away by his feelings, and after Confederation had become a fixed fact, he so far forgot himself as to become an open advocate of annexation to the United States. He enjoys the distinction of being the only member of our Legislature who has ever moved a resolution in that body in favor of annexation. Mr. Anglin was a clever Irishman, a native of the county of Cork, who had lived several years in St. John, and edited a newspaper called the "Freeman," which enjoyed a great popularity among his co-religionists. He was admitted to be the leader of the Irish Catholics of St. John, and had acquired an ascendancy over them which was not easily shaken. Yet he was not, as a politician, a great success, nor did his efforts to improve the condition of his countrymen always

lead to satisfactory results. The Honorable R. D. Wilmot had been a prominent Conservative politician, but was defeated and had retired to his farm at Belmont, and, for some years, had been devoting his abilities to the raising of calves and swine. But at the first note of alarm on the Confederation question, he abandoned his agricultural pursuits and rushed into the field to take part in the contest, which he thought might ensure to his political advantage. Mr. Joseph Coram was a leading Orangeman, a highly respected citizen, whose sole claim to distinction was that he had personated King William in an Orange procession, which had resulted in a riot some years before, and that his features were supposed to resemble those of the Prince, whose memory the Orange body has been created to honor.

In the county of York, the Hon. George L. Hatheway, who was then Chief Commissioner of the Board of Works, appeared in the field as an opposition candidate, in company with John C. Allen, John J. Fraser, and William H. Needham. Mr. Hatheway deserted the Government in its hour of need, apparently through mere cowardice, because, he judged from the cries that were raised against Confederation, that the current of public opinion was strongly adverse to the Quebec scheme. He thought that by deserting his colleagues he might retain his office in the new Government which was to be formed, and in this view he was correct, but the final result showed that he was as ready to desert his new allies as he had been those with whom he had before associated. He left Mr.

Tilley in the lurch on the eve of the Confederation contest, and he deserted the Smith Government sixteen months later, when the second Confederation election came to be run, thereby inflicting upon them a blow from which it was impossible they could recover. Hatheway was nothing more than a loud-mouthed demagogue, with a large body and a small heart. William H. Needham, whose name has already appeared in this volume, did not pretend to have any political principles, but having been for some time retired to private life, the Confederation struggle gave him a good opportunity of getting into the Legislature. Needham was a man of very considerable ability, and had his principles been only equal to his knowledge and talents, he would have risen to the highest position in this Province. But his shifty course on many occasions made the public distrustful of him, and he died without having enjoyed any of these honors which men of far less ability, but of more political honesty, have obtained. John James Fraser, who became Governor of this Province, was a man of a different stamp, and seems to have been a sincere opponent of Confederation from conviction. The same may be said of John C. Allen, afterwards Chief Justice of this Province, a man whose sterling honesty has never been questioned.

The result of the election was the most overwhelming defeat that ever overtook any political party in the Province of New Brunswick. Out of forty-one members, the friends of Confederation only succeeded in returning six, Hon. John McMillan and Alexander C. DesBrisay, for the

County of Restigouche ; Abner R. McClellan and John Lewis, for the County of Albert ; and William Lindsay and Charles Connell for the County of Carleton. Every member of the Government who held a seat in the House of Assembly, with the exception of the Hon. John McMillan, the Surveyor General, was defeated. The majorities against the Confederation candidates in some of the counties were so large that it seemed hopeless to expect that any future election would reverse the verdict. Both the City and County of St. John, and the County of York, made a clean sweep and returned solid delegations of anti-confederates. With the exception of the two Carleton members, the entire block of counties on the river St. John and the County of Charlotte, forming the most populous and best settled part of the Province, declared against the Quebec scheme. On the North Shore, Westmorland, Kent, Northumberland and Gloucester, pronounced the same verdict, and on the day after the election, the strongest friends of Confederation must have felt, that nothing but a miracle could ever bring about a change in the opinion which had been pronounced with such emphasis and with such apparent unanimity. Yet fifteen months later, the verdict of March, 1865, was completely reversed, and the anti-confederates were beaten as badly as the advocates of Confederation had been in the first election ; such are the mutations of public opinion.

Mr. Tilley and his colleagues resigned immediately after the result of the elections, and the Hon. Albert J. Smith was called upon to form a

new Government. Mr. Smith had been Attorney General in Mr. Tilley's Government up to the year 1862, when he resigned, in consequence of a difference with his colleague in regard to the negotiations which were being carried on for the construction of the Intercolonial Railway. Mr. Smith was a fine speaker and a man of good ability, and at a later period, when Confederation had been established, became a Cabinet Minister in the Government of the Hon. Alex. MacKenzie. His powerful influence was largely responsible for the manner in which the North Shore counties declared against Confederation, and he also did much to discredit the Quebec scheme by his speeches delivered in the city of St. John. Mr. Smith did not take the office of Attorney General in the new Government, but contented himself with the position of President of the Council, Hon. John C. Allen of York, becoming Attorney General, and Hon. A. H. Gillmor of Charlotte, Provincial Secretary. The Hon. Bliss Botsford, of Westmorland, was made Surveyor General, the Hon. W. H. Odell, Postmaster General; and the Hon. George L. Hatheway retained his old office as the Chief Commissioner of the Board of Works. The other members of the Government were the Hon. Robert Duncan Wilmot of Sunbury, the Hon. T. W. Anglin of St. John, and the Hon. Richard Hutchinson of Miramichi. The new Government looked strong and imposing, and seemed to be secure against the assaults of its enemies, yet it was far from being as compact and powerful as it appeared to the outward observer. In the first

place it had the demerit of being founded solely on a negative, and upon opposition to a single line of policy. The reason why these men were assembled together in Council as a Government, was that they were opposed to Confederation, and this question having been disposed of, left them free to differ upon all other points which might arise. Some of the men who thus found themselves sitting together at the same Council board, had all their lives been politically opposed to each other. The Hon. R. D. Wilmot, an old Conservative, could have little or no sympathy with Mr. A. H. Gillmor, a very strong Liberal. The Hon. A. J. Smith, also a Liberal, had little in common with his Attorney General, Mr. Allen, who was a Conservative. Mr. Odell, the Postmaster General, represented the old Family Compact more thoroughly than any other man who could have been chosen to fill a public office in New Brunswick, for his father and grandfather had held the office of Provincial Secretary for the long term of sixty years. As he was a man of no particular capacity, and had no qualification for high office, and as he was moreover a member of the Legislative Council, his appointment to such a position was extremely distasteful to many who were strongly opposed to Confederation. The Hon. Bliss Botsford of Moncton, who became Surveyor General, was another individual who added no strength to the Government, being hopelessly dull by nature, and however honest in his intentions, wholly unable to outline or even follow intelligently any distinct line of policy. With four men in the Government who might be classed as Liberals, and

five who might be properly described as Conservatives, room was left for many differences and quarrels over points of policy, after the great question of Confederation had been disposed of. Local feelings also, were awakened by the make up of the Government, for the North Shore people could not but feel that their interests had been grossly neglected, as instead of having the Attorney Generalship and the Surveyor Generalship, which had been theirs in the previous Government, they had to be content with a single member in the Government, without office, in the person of Mr. Richard Hutchinson, who as the representative of Gilmour, Rankin Co., was extremely unpopular, even in the county which had elected him. Hon. Robert Duncan Wilmot was perhaps the most dissatisfied man of any, with the new cabinet in which he found himself. He had not been a fortnight in the Government before he began to realize the fact that his influence in it was quite overshadowed by that of Mr. Smith and Mr. Anglin, although neither of them held any office. Mr. Wilmot was a man of ability, and of strong and resolute will, so that this condition of affairs became very distasteful to him and his friends, and led to consequences of a highly important character.

The new Government had not been long in existence before rumors of dissensions in its ranks became very common. Mr. Wilmot made no secret to his friends of his dissatisfaction, and it was also understood that other members found their positions equally unpleasant. An element of difficulty was early introduced by the resignation.

of the Chief Justice, Sir James Carter, who found it necessary, in consequence of failing health, to retire from the Bench. He resigned in September, 1865, and it immediately became requisite to fill his place. The Hon. Albert J. Smith, the leader of the Government, had he chosen, might have then taken the vacant position, but he did not desire to retire from political life at that time, and Hon. John C. Allen, his Attorney General, was appointed to the Bench as a puisne judge, while Hon. Robert Parker was made Chief-Justice. The latter, however, had but a few weeks to enjoy his new position, dying in November of the same year, and leaving another vacancy on the Bench to be filled. Again as before, the Hon. Mr. Smith declined to go on the Bench, and the Hon. John W. Weldon, who had been a long time a member of former Legislatures, and was at one time Speaker, was appointed to the puisne judgeship, and the Hon. William J. Ritchie made Chief Justice. The entire fitness of the latter for the position of Chief Justice made his appointment a popular one, but he was the junior of the Hon. Lemuel A. Wilmot as a judge, and the Hon. R. D. Wilmot, who was a cousin of the latter, thought the senior judge should have received the appointment of Chief Justice. His disappointment at the office being given to another, caused a very bad feeling on his part towards the Government, and he would have resigned his seat forthwith, but for the persuasions of some of those who were not friends of the Government, who intimated to him that he could do them a great deal more damage by retaining

his seat, and resigning at the proper time, than by abandoning the Government at that moment. Mr. Wilmot remained in the Government until January, 1866, but, although of their number, his heart was estranged from them, and he may properly be regarded as an enemy in their camp.

Mr. Anglin also had differences with his colleagues with regard to railway matters, and he resigned his seat early in November, 1865; still he gave a general support to the Government although no longer in its Councils. But the most severe blow which the Government received, arose from the election in the County of York which followed the seating of the Hon. John C. Allan on the bench. The Confederation party had been so badly beaten in York at the general election, that no doubt was felt by the Government that any candidate they might select, would be chosen by a very large majority. The candidate selected to contest York by the Government, was Mr. John Pickard, a highly respectable gentleman, who was engaged in lumbering, and who was extremely popular in that County, in consequence of his friendly relations with all classes of the community and the amiability of his disposition. Mr. Pickard would have been an ideal candidate had he been a better speaker, but he never pretended to be an active politician, and therefore stood at a disadvantage as compared to some men of no better ability but of greater eloquence. The Hon. Charles Fisher, was brought forward by the Confederation party as their candidate for York, although the hope of defeating Mr. Pickard seemed to be desperate, for

at the previous election, Mr. Fisher had only received 1,226 votes against 1,799 obtained by Mr. Needham, who stood lowest on the poll among the persons elected for York. Mr. Fisher's abilities have already been sufficiently referred to in this work, and it need only be said that by his conduct in the York campaign, which resulted in his election, he struck a blow at the anti-confederate Government from which it never recovered. His election was the first dawn of light and hope to the friends of Confederation in New Brunswick, for it showed clearly enough that whenever the people of this Province were given another opportunity of expressing their opinion on the question of Confederation, their verdict would be a very different one from that which they had given at the general election. Mr. Fisher beat Mr. Pickard by 710 votes, receiving 701 votes more than at the general election, while Mr. Pickard's vote fell 572 below that which Mr. Needham had received on the same occasion.



CHAPTER XXXVIII.

AMONG the causes that had assisted to defeat Confederation in New Brunswick, when the question was first placed before the people, was the active hostility of the Lieutenant Governor, Mr. Arthur Hamilton Gordon, a son of that Earl of Aberdeen who was Prime Minister of England, at the outbreak of the Crimean War. Mr. Gordon had been a strong advocate of Maritime Union and had anticipated that he would be the first Governor of the United Province of Acadia, or by whatever name the Maritime Union was to be known. He was therefore greatly disappointed and annoyed, when the visit of the Canadians to Charlottetown in September, 1864, put an end to the Conference which had met for the purpose of arranging the terms of Maritime Union. While a Governor cannot take a very active part in political matters in this Province, he may stimulate others to hostility or to a certain course of action, who under other circumstances would be neutral or inactive, and there is reason to believe that some of the men who were most prominent in opposing Confederation at the general election of 1864, were mainly influenced by the example of the Lieutenant Governor. Confederation however had been approved of by the British Government, after the

terms arranged at Quebec had been submitted to it in a despatch from the Governor General, and those officials in New Brunswick and elsewhere, who expected to find support in Downing Street in their hostility to Confederation, were destined to be greatly disappointed. Not long after the new Government was formed in New Brunswick, Mr. Gordon returned to England, and it is generally believed that he was sent for by the Home authorities. Instead of meeting with a flattering reception on the ground of his opposition to Confederation, he is believed to have been compelled to submit to a stern reproof, for his anti-constitutional meddling in a matter which did not concern him, and to have been given to understand that, if he returned to New Brunswick, to fill out the remainder of his term of office, it must be as one pledged to assist in carrying out Confederation and not to oppose it. When Mr. Gordon returned to this Province he was an entirely changed man, and whatever influence he was able to exert, from that time forward, was thrown in favor of Confederation.

Another cause which made Confederation more acceptable to the people of this Province arose from the threats of the Fenians to invade Canada, which were made during the year 1865, and which actually resulted in armed invasions during the following year. Although there was no good reason for believing that the opponents of Confederation were less loyal than its supporters, or less inclined to favor British connection, it was remarked that all the enemies of British connection seemed to have got

into the anti-confederate camp. The Fenian movement had its origin in the troubles in Ireland, arising out of the oppressive land laws and other local causes, and it soon extended to America where the politicians found it useful as a means of increasing their strength among the Irish people. At that time there were in the United States many hundreds of thousands of men, who had recently been disbanded from the army at the close of the civil war, and who were only too ready to embrace any new opportunity of winning for themselves, fame and rank on other fields of glory. Among these disbanded soldiers were many Irishmen, and it soon came to be known that bands of men, could be collected in the United States, for the invasion of this country, with the avowed object of driving the British flag from this continent and substituting the stars and stripes. It was impossible that the people of Canada could view without emotion, the preparations for their undoing, and in New Brunswick especially, which was the first Province to be threatened, the Fenian movement materially assisted in deciding the manner in which our people should vote on the great question of Confederation, when it came a second time, to be submitted to them.

The House of Assembly met on the 8th March, 1866, and the speech from the throne, delivered by the Lieutenant Governor, contained the following paragraph:—“I have received Her Majesty’s commands to communicate to you, a correspondence on the affairs of British North America which had taken place between Her Majesty’s principal

Secretary of State for the colonies and the Governor General of Canada; and I am further directed to express to you the strong and deliberate opinion of Her Majesty's Government, that it is an object much to be desired, that all the British North American colonies should agree to unite in one Government. These papers will immediately be laid before you." This paragraph was not inserted in the speech without considerable pressure on the part of the Lieutenant Governor, and it excited a great deal of comment at the time, because it seemed to indorse the principle of Confederation, although emanating from a Government which had been placed in power as the result of an election in which Confederation had been condemned. When this portion of the speech was read by the Lieutenant Governor in the Legislative Council chamber, the crowd outside the bar gave a hearty cheer, a circumstance which never occurred before in the Province of New Brunswick, and perhaps not in any other British colony.

The members of the House favorable to Confederation, immediately took up the matter, and dealt with it as if the Government had thereby pledged themselves to that policy, and indeed there was considerable excuse for such inferences. When the secret history of the negotiations between the Lieutenant Governor and his advisers, prior to the meeting of the Legislature, comes to be told, it will be found that at least some of the members of the Government, had given His Excellency to understand that they were prepared to reverse their former action and to adopt Confederation. The difficulty, however, with them was that they

feared their own supporters, and thought that if they made such a movement, they would lose the favor of those who had placed them in power, and this inference was certainly a very natural one.

As soon as the House met, it was discovered that Mr. A. R. Wetmore, one of the prominent supporters of the Government, who had been elected to represent the city of St. John as an anti-confederate, was no longer in sympathy with them. Mr. Wetmore's long experience as a *nisi prius* lawyer, and his curt and imperturbable manner, rendered him a most exasperating and troublesome opponent, and, at a very early period of the session, he commenced to make it unpleasant for his former friends. He cross-examined the members of the Government in the same fashion which he had learned from long experience in the courts. Such attacks proved extremely damaging, as well as very annoying.

The address in reply to the speech from the throne, was moved in the House of Assembly by Colonel Boyd, of Charlotte county and, when the paragraph relating to Confederation was read, Mr. Fisher asked him what it meant. Mr. Boyd replied that the Government had no objection to Confederation provided that the terms were satisfactory. This reply still further strengthened the feeling that the Government were inclined to pass the measure which they had been elected to oppose. Mr. Fisher moved an amendment to the fourth paragraph of the address which referred to the Fenian conspiracy against British North America expressing the opinion that while His Excellency

might rely with confidence on the cordial support of people for the protection of the country, his constitutional advisers were not by their general conduct entitled to the confidence of the Legislature. This amendment, was seconded by Mr. Des Brisay of Kent who had been elected as a supporter of the Government, and it was debated at great length. The discussion upon it continued from day to day for about three weeks, when on the 9th of April, the Government resigned in consequence of difficulties with His Excellency, in regard to his reply to the address of the Legislative Council. The Legislative Council had gone on and passed the address in reply to the speech, but in consequence of the delay in the House of Assembly, this reply had not before been presented to the Governor. In answer to the address of the Legislative Council which was presented to him on the same day, that the resignation of the Government took place, His Excellency said : "I will immediately transmit your address to the Secretary of State for the colonies, in order that it may be laid at the foot of the throne. Her Majesty, the Queen, has already been pleased to express deep interest in a close union of her North American colonies and will, no doubt, greatly appreciate this decided expression of your opinion, and the avowal of your desire that all British North America should unite in one community, in one strong and efficient Government, cannot but tend to hasten the accomplishment of this great measure."

The resignation of the Government was announced in the House of Assembly on the 13th

April, by the Honorable A. J. Smith, and the documents relating to it were laid before the House. The reason given for the resignation of the Government, was their unwillingness to accept the responsibility of the reply made by the Governor to the Legislative Council. There is no doubt that the reasons given for the resignation of the Government were sufficient. His Excellency put a severe strain on the constitution and the principles of Responsible Government, when he undertook to answer the address of the Council in the manner he did, without consulting his constitutional advisers and contrary to their wishes. Had Mr. Smith been a man of more boldness and capacity, he could have made it very unpleasant for the Governor, and an appeal to the people might have had a different result. But Mr. Smith was a timid politician, and so he allowed himself to be squeezed out of office, while he had a majority at his back in the House of Assembly.

The Lieutenant Governor called upon the Hon. Peter Mitchell, who was a member of the Legislative Council, to form a Government. Mr. Mitchell had been very active in the cause of Confederation, and was the moving spirit in the Legislative Council, in all the proceedings in favor of Confederation in that body; but when asked to form a new Government he advised the Lieutenant Governor that the proper person to undertake that responsibility was, the Hon. Mr. Tilley. The latter, however, declined the task, on the ground that he was not a member of the Legislature, and then Mr. Mitchell associated with himself the Hon. Mr.

Wilmot for the purpose of forming a new Government. The Government was announced on the 18th of April, and it was formed as follows :—Hon. Peter Mitchell, President of Council; Hon. S. L. Tilley, Provincial Secretary; Hon. Charles Fisher, Attorney General; Hon. Edward Williston, Solicitor General; Hon. John McMillan, Post Master General; Hon. A. R. McClellan, Chief Commissioner of Public Works; Hon. R. D. Wilmot and Hon. Charles Connell, members without office. The latter afterwards became Surveyor General.

While this Government was being formed in New Brunswick, a Fenian army was gathering upon the border, for the purpose of invading this Province. This force consisted of four or five hundred young men, most of whom had been in the armies of the United States. It was recruited at New York, and its chief was a Fenian named Doran Killian. A part of his force arrived at Eastport on the 10th of April, and a schooner laden with arms for the Fenians, soon afterwards reached that place. From this schooner, which was seized by the United States authorities, one hundred and seventeen cases of arms and ammunition were taken, a clear proof that the intentions of the Fenians were warlike, and that their presence on the border was not a mere demonstration. The Fenians appeared to have been under the impression, as many residents of the United States are to this day, that the people of Canada and of New Brunswick were dissatisfied with their own form of Government, and were anxious to come under the protection of the stars and stripes. This absurd idea has been

responsible, before and since, for many other demonstrations with respect to the British Provinces of North America, in which residents of the United States have taken part. There never was a greater delusion than this, and in the instance referred to the Fenians were doomed to be speedily undeceived. The presence of a Fenian force on the border, sounded like a bugle blast to every able-bodied man in New Brunswick, and the call for troops to defend the country was instantly responded to. About one thousand men were called out and marched to the frontier. The troops thus embodied consisted of the three battallions of the New Brunswick Regiment of Artillery, seven companies of the St. John Volunteer Batallion, one company of the First Battallion of the York County Militia, one company each of the First and Third Battallions of the Charlotte County Militia, and two companies each of the Second and Fourth Battallions of the Charlotte County Militia. These troops remained in arms on the frontier, for nearly three months, and were disembodied by general order, dated the 20th of June. The Fenian raid on New Brunswick proved to be a complete fiasco. The frontier was so well guarded by the New Brunswick Militia and by British soldiers, and the St. Croix so thoroughly patrolled by British warships, that the Fenians had no opportunity to make any impression upon the Province. It ought to be added that the United States Government was prompt to take steps to prevent any armed invasion, and General Meade was sent down to Eastport with a force of infantry

and a ship of war, to prevent the Fenians from making that place a base of operations against these Provinces.

The general elections to decide whether or not New Brunswick was willing to become confederated with Canada, were held in May and June. The first election was that for the County of Northumberland, on the 25th of May, and the result was that the four candidates who favored Confederation, Messrs. Johnson, Sutton, Kerr, and Williston, were elected by large majorities. The same result followed in the county of Carleton, where the election was held on the 26th of May, Messrs. Connell and Lindsay being elected by a vote of more than two to one over their anti-confederate opponents. The third election was in Albert County on the 29th, and there Messrs. McClellan and Lewis, the two candidates in favor of Confederation, were triumphantly returned. On the 31st day of May, elections were held in Restigouche and Sunbury, and in these counties the candidates in favor of Confederation, were returned by large majorities. The York election came next; in that county the anti-Confederates had placed a full ticket in the field, the candidates being Messrs. Hatheway, Fraser, Needham, and Brown. Mr. Fisher had with him on the ticket Dr. Dow and Messrs. Thompson and John A. Beckwith. Every person expected a vigorous contest in York, notwithstanding the victory of Mr. Fisher over Mr. Pickard a few months before. But, to the amazement of the anti-confederates in other parts of the Provinces, the Hon. George L. Hatheway and

Dr. Brown, another anti-Confederate candidate, retired after nomination day, and left Messrs Fraser and Needham to do battle alone. Mr. Hatheway's retirement at this time, was a death-blow to the hopes of the anti-confederates all over New Brunswick, affecting not only the result in the county of York, but in every other county in which an election was to be held. A few nights before his resignation, Mr. Hatheway had been in St. John addressing a packed meeting of anti-Confederates in the hall of the Mechanics' Institute, and he had spoken on that occasion, with all the insolence and apparent confidence which were a part of his political stock in trade. When his friends in St. John, who had been so much moved by his vigorous eloquence, learned that he had deserted them, their indignation was extreme, and they felt that matters must indeed be in a bad way, when this blatant and unprincipled demagogue did not dare to face the York electors. The result was that in York, Messrs. Fraser and Needham were simply snowed under, and the Confederate candidates elected by a vote of more than two to one. The election in the County of St. John was held on the 6th of June, and that in the City on the 7th. For the County, the Confederate candidates were Messrs. C. N. Skinner, John H. Gray, James Quinton and R. D. Wilmot, and the anti-Confederate candidates were Messrs. Coram, Cudlip, Robertson and Anglin. The former were elected by very large majorities. Mr. Wilmot, who stood lowest on the poll among the Confederates, having a majority of 600 over Mr. Coram, who stood highest among the

defeated candidates. The election for the City was an equally emphatic declaration in favor of Confederation. The candidates were the Honorable S. L. Tilley and A. R. Wetmore on the Confederate side, and J. V. Troop and S. R. Thomson opposed to Confederation. Mr. Tilley's majority over Mr. Troop, who stood highest on the poll of the two defeated candidates, was 726. The only counties which the anti-Confederate party succeeded in carrying, were Westmorland, Gloucester and Kent, three counties in which the French vote was very large, so that of the forty-one members returned, only eight were opponents of Confederation. The victory was as complete as that which had been recorded against Confederation in the beginning of 1865.

After the elections were over, and Confederation had been carried, the "Morning Telegraph" of St. John, which had been an ardent supporter of the scheme, made up a statement which showed that 55,665 votes had been cast, throughout the Province, in favor of Confederation, while only 33,767 votes had been cast against it. That was a sufficiently emphatic endorsement of the scheme of union, and it was accepted as a proof that the people of New Brunswick ardently desired the constitutional change which a union with Canada would involve. But although a vote had been taken on the question, much remained to be done before Confederation could become an accomplished fact. The last elections, which were those of Kings and Charlotte, were held on the 12th of June, but more than a year was to elapse, before the union was effected,

and the result which the election was intended to bring about, realized. The first thing to be done was to call the Legislature together and complete the business of the Province, which had been interrupted by the dissolution. The Legislature met on the 21st of June, and the Hon. John H. Gray, who had been an active advocate of Confederation, and who was one of the members for the County of St. John, was made Speaker. In the speech from the throne the following reference was made to the question of Confederation.

“The address of the Legislative Council to Her Majesty, the Queen, on the subject of the union of the British North American Provinces, agreed to during the late session, was duly transmitted by me to England, to be laid at the foot of the throne, and I am commanded to inform you, Her Majesty had been pleased to accept the same very graciously. The adoption and the reception by me for transmission to Her Majesty of this address, led to events which rendered it, in my opinion, expedient to dissolve the then existing General Assembly. I have now much satisfaction in resorting to your assistance and co-operation at the earliest possible moment, although I regret that it should be necessary to call you together at a period of the year which must, I fear, have rendered your assembling, a matter of much personal inconvenience to some of you.

“Her Majesty’s Government have already expressed their strong and deliberate opinion, that the union of the British North American Provinces under one Government, is an object much to be

desired. The Legislatures of Canada and Nova Scotia have formed the same judgment, and you will now shortly be invited to express your concurrence with or dissent from the view taken of this great question by those Provinces.

“The question which you are now called together especially to consider, is one of the most momentous ever submitted to a Colonial Legislature.”

In the address in answer to the speech from the throne the following reference was made to the question :

“It is satisfactory to learn, that the adoption and reception by Your Excellency, of the address led to events which rendered it expedient to dissolve the then existing general assembly, and most gratifying to believe that the country has sustained that conclusion, and, although we unite with Your Excellency in regretting that it should have been necessary to call the assembly together at a season that may cause personal inconvenience to some of us, we rejoice to have the opportunity of aiding by our counsel and co-operation, in the consummation of those national objects which have led to our meeting.

“We learn with satisfaction that Her Majesty’s Government, having already expressed their strong and deliberate conviction that the union of the British Provinces under one Government, is an object much to be desired, and that the Legislatures of Canada and Nova Scotia having passed the same judgment, we will shortly be called upon to express our concurrence with, or dissent from, the view

taken of this question by those Provinces, and we confidently look forward to a similar decision here."

This address was moved by Mr. Kerr, of Northumberland, and seconded by Mr. Beveridge of Victoria, and its consideration was made the order of the day for the following Saturday. When it came up for discussion, the Hon. Albert J. Smith was not in his place, and Mr. Botsford, one of his colleagues from Westmorland, endeavored to have consideration of the matter postponed, but the House was in no humor to await the convenience of any single member, and the address was passed the same day by a vote of thirty to seven. Attorney General Fisher, immediately on the passage of the address, gave notice of the Confederation resolution, which was to be made the order of the day for Monday, June 26th. This resolution was in the following terms:

"*Resolved*, That an humble address be presented to His Excellency, the Lieutenant Governor, praying that His Excellency be pleased to appoint delegates to unite with delegates from the other Provinces, in arranging, with the Imperial Government, for the union of British North America, upon such terms as will secure the just rights and interests of New Brunswick, accompanied with provision for the immediate construction of the Intercolonial Railway; each Province to have an equal voice in such delegation, Upper and Lower Canada to be considered as separate Provinces."

On that day Mr. Fisher moved the resolution in question, in a very brief speech, and was replied to

by Hon. Mr. Smith, who spoke at great length, and continued his speech on the following day. Mr. Smith took exception to giving delegates power to fix the destinies of the Provinces forever, without again submitting the scheme of union to the people. He proceeded to discuss the Quebec scheme, and took exception to the construction of the Upper House of the proposed Legislature of the Confederation, declaring that each Province should have an equal number of representatives in it, as was the case in the United States. After going over the ground pretty thoroughly, and criticising most of the terms of the scheme of Confederation, he moved an amendment to the effect that no act or measure for a union with Canada take effect until approved by the Legislature or the people of this Province.

The Hon. Mr. Tilley replied to the Leader of the Opposition in one of the most effective speeches that he ever delivered in the Legislature. He first took up Mr. Smith's allusion to the constitutional question, and, with immense power and solemnity, he charged that any want of constitutional action which existed, was due to Mr. Smith and his colleagues. He stated that the Governor's sympathies were with the late Government, and that he had endeavoured to aid and not to injure them. Mr. Smith had alluded to the Hon. Joseph Howe, who was then an opponent to Confederation, in terms of praise, and Mr. Tilley, in reply read from Mr. Howe's speech, made in 1861, a magnificent paragraph on the union of British America. Mr. Tilley stated that the Government would take the

Quebec scheme for a basis, and would seek concessions to meet the views of those who found difficulty as to parts of it. He went over the counties of the Province, to show that they were either for the Quebec scheme or substantially for it. He was convinced that even his friend, the ex-attorney general and member for Westmorland, was hardly against union. He asked, Was there one anti-unionist on the floors of the House? Where was Mr. Anglin, Mr. Needham, Mr. Hill, and all the rest of the anti-unionists? They were all swept away, and unionists had taken their places, and when the arrangements for union were carried out, the feeling in its favor would be deeper and deeper. Mr. Tilley showed the great advantages which would accrue to New Brunswick eventually, in consequence of Confederation. He combatted the statement made by Mr. Smith, that after Confederation the Provincial Legislature would become a mere farce, showing, that of all the Acts passed during the previous two years, there were only seven which would have come under the control of the general Legislature. Mr. Tilley closed by dwelling on the impression of power which union would have on the minds of those abroad, who were plotting our ruin. The speech was listened to with the utmost attention by the members of the Legislature, and by a very large audience, which completely filled the galleries, and it was generally considered to have been one of his greatest efforts.

Quite a sensation was created by the speech delivered by Mr. Charles N. Skinner, one of the

members elected for the county of St. John, as a supporter of Confederation. Mr. Skinner took the position that the Government did wrong in introducing a bald resolution, and showing an unwillingness to take the suggestions of the House, as to what kind of a scheme the country wanted. He believed it was the duty of the representatives to deliberate upon this question, and give the delegates instruction as to what they desired. The position taken by the Government was, that the House had better not say anything about what they or the country wanted, but clothe the delegates with power to do as they pleased irrevocably, and give them no instructions. This he deplored in strong language. The country, he said, had not elected the men, in favor of Confederation, to be mere automatons, to move as they were moved, and to say only such words as should be put in their mouths. He thought on a question of such vast importance as this, the fullest deliberation should be had. He would not tie the delegates down to the letter of their instructions. He would leave them a margin to go and come upon. He also complained that the House did not know the number of delegates that were to be sent, neither did they know who the delegates were to be. He said unless the men who were going on this mission, were men of great ability and integrity, he would lack confidence in them. There were men in the Legislature and Government that he would trust with great responsibility, but there were others whom he would not. He then proceeded to show, that while he was dissatisfied at the manner the

Government were pushing the question before the House, he still would vote for the resolution, because the policy of the Government, although to his mind a wrong policy, was the only policy before the country on the question of Confederation, and to vote against the resolution and with Mr. Smith's amendment, was to vote against Confederation altogether. He would vote for the resolution and hold the Government responsible for their conduct in bringing the matter down as they did. He then proceeded to enlarge upon the Quebec scheme; he made several objections to it and reasoned them out. He said he made the objections that the delegates might know what his opinions were, and, if they were worth anything, they might profit by them. His speech was said to be the best he ever delivered in the House, and was listened to with marked attention, scarcely a member leaving his seat while he was speaking. The resolution was finally carried by a vote of 30 to 8, Mr. Glasier of Sunbury, and Mr. W. P. Flewelling of Kings, both of whom would have voted for the resolution, being absent.

As soon as the Confederation resolution was passed, the Hon. A. J. Smith moved a resolution which, after reciting the steps which had already been taken in favor of union with Canada, continued as follows:

"Therefore Resolved, As the deliberate opinion of this House, that no measure for such union should be adopted which did not contain the following provisions viz: 1st, An equal number of Legislative Councillors for each province: 2nd, Such Legislative

Councillors to be required to reside in the province which they represent, and for which they are appointed : 3rd, The number of representatives in the Federal Parliament to be limited : 4th, The establishment of a court for the determination of questions and disputes that may arise, between the Federal and Local Governments, as to the meaning of the act of union : 5th, Exemption of this province from taxation for the construction and enlargement of canals in Upper Canada, and for the payment of money for the mines and minerals and lands of Newfoundland : 6th, Eighty cents per head to be on the population as it increases and not to be confined to the census of 1861 : 7th, Securing to the Maritime Provinces the right to have at least one Executive Councillor in the Federal Government : 8th, The commencing of the Intercolonial Railroad, before the right shall exist to increase taxation upon the people of the Province."

Mr. Smith supported his resolution in a lengthy speech, in which he predicted increased taxation as the result of Confederation. He said that the House, instead of being a deliberative Assembly, had to surrender its judgment to the Government. Confederation was a great experiment at best, and called for the exercise of other men's judgment. The Government was going on in the most high-handed manner, and were not justified in withholding information asked for. He elaborated the idea that Canada was pledged to issue treasury notes to pay present liabilities, and asserted that the Government was altogether under the control of Canadian politicians. He insisted particularly

on a provision in the Act of Union, that each of the Maritime Provinces have an Executive Councillor in the Federal Government. Finally the vote was taken and the following amendment, which had been moved by Hon. Mr. Fisher, was carried, only eight members voting against it.

“*Resolved*, That the people of this Province having, after due deliberation, determined that the union of British North America was desirable, and the House having agreed to request His Excellency, the Lieutenant Governor, to appoint delegates for the purpose of considering the plan of union, upon such terms as will secure the just rights of New Brunswick, and having confidence that the action of His Excellency under the advice of his constitutional advisers, will be directed to the attainment of that end, sound policy and a due regard to the interests of this Province require, that the responsibility of such action should be left unfettered by an expression of opinion other than what has already been given by the people and their representatives.”

This ended the battle for Confederation in New Brunswick, for what remained to be done, was merely the arrangement of the details of the union by the delegates, who had received full power for that purpose. The session of the Legislature, which must be considered one of the most important ever held in New Brunswick, came to a close on Monday, the 7th of July. At a meeting of the Government held immediately after the prorogation of the Legislature, the Hon. Messrs. Tilley, Wilmot, Fisher, Mitchell, Johnson and Chandler were appointed to go to England as delegates, for the

purpose of meeting delegates from Canada and Nova Scotia, and arranging the bill which was to be passed by the Imperial Parliament for the consummation of Confederation. It was understood at that time, that there would be no delay on the part of the delegates from Canada, but owing to causes which perhaps are a little obscure, Sir John A. Macdonald and the other Canadian delegates were unable to leave at the time appointed, and did not meet our delegation in England, until many months after the latter had arrived there. This unfortunate circumstance produced much comment at the time, because it looked as if the Government of Canada was treating the delegates of New Brunswick and Nova Scotia with gross discourtesy. The business, instead of being completed promptly, as was expected, and the bill passed by the Parliament during the autumn session, was thrown over until the following year, and our delegates, most of whom were prominent members of the Government, had to remain in England for about ten months, at great expense and inconvenience. It has been stated that the ill-health of Sir John A. Macdonald was responsible for that condition of affairs, he being subject at that time, to attacks of indisposition which prevented him from attending to his duties as a Minister of the Crown. [Whatever the cause of the trouble, it was a very unfortunate beginning, and, but for the good sense and moderation displayed by the representatives of the Maritime Provinces, might have greatly prejudiced the movement in favor of Confederation.]

The delegates from the three Provinces, Canada, Nova Scotia and New Brunswick, met at the Westminster Palace Hotel, London, in November, 1866, Hon. John A. Macdonald in the chair; C. W. Bernard acting as Secretary. The resolutions passed at the Quebec Conference held in 1864 were read, and amendments were moved in accordance with the suggestions made in the several Legislatures during the discussions at the previous sessions. It was conceded on all hands, that the Intercolonial Railway, by which facilities for inter-provincial commercial intercourse could be secured, must be built by the United Provinces and without a delay. It was also conceded that in the Provinces where separate schools were established by law, that principle should not be disturbed. Mr. Galt was the special advocate of this concession from the Province of Quebec, and the Roman Catholic members of the convention on behalf of the minority in Canada West. In the discussion, it was claimed that the sole right of imposing an export duty should be vested in the Federal authority. This was objected to by the New Brunswick delegates, as the people of that Province had expended a large sum of money in the improving of the navigation of the upper St. John, and had, to recoup themselves, imposed an export duty on lumber shipped from the Province. A considerable portion of the income thus received was paid by the lumbermen of the State of Maine, the advantage derived by them from such improvements being very great. The claim thus presented by the New Brunswick delegates was conceded, and

the Province permitted to retain the right. This right was abandoned since Confederation, the Dominion paying therefor \$150,000 per annum to the New Brunswick Government.

During the sitting of the delegates, which extended to over a period of two months, many conferences were held with Lord Carnarvon, then Secretary of State for the Colonies, and the law officers of the Crown, in regard to objections which were taken to some of the resolutions adopted by the delegates. Valuable assistance was rendered during this Conference, by Lord Monk, who was then in London, but who was Governor-General of Canada when the Conference was held at Quebec. The arrangements there made in regard to the strengthening of the central authority, as compared with the constitution of the United States, the result of the experience of that country during the rebellion, were adhered to in the London resolutions and accepted by the Imperial authorities. Very inadequate ideas appear to have been entertained by the members of the London Conference, with regard to the expenditure which the several Provinces would have to incur for the maintenance of their public services. It was forgotten, evidently, that these Provinces were in a state of development, and that to provide them with railways and other appliances necessary to their growth, the Provinces would have to spend public money. This money could only be obtained in two ways, by taxation within the Province, or by subsidies from the Dominion Government. As direct taxation was certain to make the Confederation scheme unpopular,

a large part of the revenue of the Provinces had necessarily to come from the Dominion treasury. It is easy now, to see that the subsidies granted to the Provinces were quite inadequate, and this has been the cause of frequent complaint. This was especially the case with the smaller Provinces which had a large territory and a sparse population. When the bill reached Parliament some amendments were suggested, but when it was pointed out that the measure as presented, was the result of the most careful consideration of both the Imperial authorities and the Colonial representatives, the suggested amendments were not pressed, and it passed through Parliament with very little discussion. But one spirit seemed to animate both the Imperial authorities and the members of Parliament, and that was to give the Provinces interested, the fullest liberty consistent with the new relations they were about assuming. The parliamentary opposition to the measure was much less than might have been expected, when it is remembered that the opponents of Confederation had representatives in London, well able to present objections from their standpoint, who had the ear of Mr. Bright, and other members of Parliament. Her Majesty took a deep interest in the measure when before Parliament, and expressed that interest to members of the delegation, adding that she felt a great affection for her Canadian subjects, they being so loyal. While the bill was before the House of Lords, Messrs. Macdonald, Cartier, Galt, Tupper and Tilley, were honored by a private presentation to Her Majesty, at Buckingham Palace.

Later on all the members of the Conference were presented at a drawing room, at the same place.

The New Brunswick delegates returned from England in the spring of 1867, having completed their labors, and the Legislature was called together on the 8th of May. The business before it was of great importance, for the Province was entering upon a new era, as a member of the Canadian Confederation, and the Legislature was about to lose a portion of its powers which were delegated to the Federal Parliament. It is not, however, necessary to enter into any details of the work of the session, which was done without any particular difficulty, the opposition being too weak to oppose seriously, the measures of the Government. It was felt on all sides, that as twelve members of the Legislative Council were about to become members of the Senate of Canada, and as fifteen representatives were to be elected to the House of Commons, most of whom would come from the House of Assembly, a striking change would take place in the composition of the Legislature, which would be deprived of the services at once, of a large number of its ablest men. One of the important bills of the session was the passage of the Act establishing County Courts in the Province, and in respect to this measure, a difference, of opinion took place between Hon. John M. Johnson, one of the delegates, and member for Northumberland, and his fellow delegates to England. He thought that the Legislature had no authority under the terms of Confederation, or from any understanding between the delegates while in England, to create

County Courts, while the other delegates held a different view. The Act was passed, however, and has proved to be one of the most useful ever placed upon the statute books, relieving the Supreme Court of many cases, both civil and criminal, which would otherwise block its business, and enabling them to be disposed of more rapidly than before. The County Court judges appointed under this Act were, with one exception, members of the Legislature, and this made another serious drain upon its experienced members.


During the last session of the old New Brunswick Legislature, measures were also taken to secure the completion of the line of railway from St. John to the border of Maine, generally known as the Western Extension. The Government of New Brunswick, which had already given a subsidy of \$10,000 a mile to the enterprise, under the Act passed in 1864, agreed to take \$300,000 worth of the stock of the road. Under the stimulus of this additional subsidy, the work rapidly advanced, and railroad connection between St. John and Bangor, ✓ where it joined the American system of railroads, was established. The Legislature was prorogued on the 17th day of June, thus bringing to an end, the old independent Legislature of the Province, which had done its work for so many years, to be replaced by a Legislature, shorn of a considerable part of its powers, but still efficient for good or evil because of its ability to pass laws profoundly affecting the material and moral welfare of the Province. Many men looked upon this dissolution of old ties with something like sadness, but to

others, it appeared like the dawning of a better day for the Province of New Brunswick as well as for the other provinces of British North America.

The British North America Act, by which the Provinces of Upper and Lower Canada, New Brunswick and Nova Scotia were bound into a Confederation, came into force by Royal proclamation, on the first day of July, 1867. When it is considered how vast and vital a change this measure brought about, it is surprising that it produced so little excitement anywhere. With the exception of one or two demonstrations which were made with flags, by persons hostile to Confederation, in the Province of New Brunswick, which had been so much excited during two elections, it was received with perfect calmness, and although for some years afterwards there were always a number of persons opposed to union, who predicted direful things from Confederation and thought it must finally be dissolved, the voices of such persons were finally silenced either by death or by acquiescence in the situation. Now it may safely be declared that the Canadian Confederation stands upon as secure a foundation, as any other Government in the civilized world, and is much less likely to break in pieces than the great republic to the south of us, where differences of climate and of products and resources, seem to have created separate interests, which ~~to an outside observer~~ appear able to threaten the stability of the nation.



CHAPTER XXXIX.

HE Confederation of the Provinces made a great change in the political condition of New Brunswick. Nearly all the leading men who had taken an active part in public affairs, desired to enter the new field which was opened up to them by the Union. They could not do so without severing their connection with the local Legislature, for in 1867, an Act had been passed, which vacated the seat of any member of the House of Assembly or Legislative Council, who became a member of the House of Commons or Senate of Canada. This was a wise arrangement, because it kept the Provincial Government independent of Ottawa, and insured a closer attention to the affairs of the Province on the part of those who were chosen to administer them. In this respect New Brunswick set an example to the western Provinces, which they followed at a later day.

As twelve members of the Senate of Canada were assigned to New Brunswick, the Legislative Council, from which they were mainly taken, was to a large extent, depleted of its leading members. One man only of those members of the council who were called to the Senate, refused that honor. This was the Hon. E. B. Chandler, who afterwards became Governor of the Province, in which office

he died in the year 1880. Of the forty-one members of the House of Assembly, no less than sixteen resigned their seats, either to become members of the Parliament of Canada or to accept office. The Hon. R. D. Wilmot and the Hon. A. R. McClellan were called to the Senate. Messrs. Chandler and Stevens of Charlotte, and Mr. Williston of Northumberland became County Court judges ; while Mr. Connell of Carleton, Mr. Fisher of York, Mr. Farris of Queens, Mr. Ryan of Kings, Messrs. Tilley and Grey of St. John, Mr. Smith of Westmorland, Mr. Johnson of Northumberland, and Mr. McMillan of Restigouche, were elected to the House of Commons. The only member of the Government which had existed up to Confederation, who was left in the House of Assembly, was the Hon. John McAdam of Charlotte, while the Hon. Edward B. Chandler alone remained to represent the Government in the Legislative Council. As Mr. McAdam was not ambitious to be Premier, and as Mr. Chandler could hardly take that position as a member of the Upper House, it was necessary to place a new and untried man in that important office. The leading aspirants for the position were Mr. A. R. Wetmore and Mr. C. N. Skinner of St. John, and the former was selected. The Government formed by him consisted of the Hon. A. R. Wetmore, Premier and Attorney General ; the Hon. John A. Beckwith, Provincial Secretary ; the Hon. John McAdam, Chief Commissioner of Public Works ; the Hon. Richard Sutton, Surveyor General ; the Hon. Charles N. Skinner, Solicitor General, and Hon.

W. P. Flewelling, Hon. A. C. DesBrisay, and Hon. B. Beveridge, without office. The members of this Government had all been strong supporters of Confederation, and the change of administration involved no change in the policy which was to be pursued with reference to the Province. Mr. Beckwith, the Provincial Secretary, was a gentleman of good business ability, who had held a leading position in the Crown Land Office at the time that the Hon. Thomas Baillie was Surveyor General. Mr. Sutton was one of the representatives of Northumberland, but had no special claims to preferment except those which he derived from his connection with that county. Mr. McAdam, who was a member of the Government prior to Confederation, was a representative of Charlotte, he had acquired the enviable nick-name of "Honest John." His abilities were good and had made him a successful lumberman, but they were not of the kind which show to any great extent in the Legislature or in the council. Mr. Skinner of St. John, was a man of much ability, whose early retirement from the political field alone prevented him from taking a leading position among the public men of the Province. It was his misfortune to be able to see both sides of a question with equal clearness, so that he was seldom a good partisan, and therefore at times, lost the favor of those who thought it the best characteristic of a statesman to always go with his party, right or wrong. Mr. Skinner filled the office of Solicitor General for nearly six months, resigning his seat during the session of 1868, to accept the office of

Judge of Probates for the City and County of St. John.

The change in the constitution caused by Confederation, abolished the office of Post Master General and relieved the Province of the care of its railways, they having passed to the Dominion, under the terms of the British North America Act. After the resignation of Mr. Skinner, it was thought that the Province could dispense with the services of a Solicitor General, and that office was abolished. It may be said here that this is a question which has provoked much discussion without any very satisfactory conclusion being reached. During the most of the years since Confederation there has been a Solicitor General, but at times the office has been abolished or held in abeyance. It does not appear that any money has ever been saved by leaving this office vacant, for the Attorney-General cannot be expected to do all the criminal business of the Province, and the work of the Solicitor General has had to be given to other lawyers not connected with the Government. As there are many questions of law arising which have to be decided by the Attorney General, it is manifestly desirable that he should have the assistance of an able lawyer as Solicitor General.

As under the British North America Act the appointment of Lieutenant Governor passed into the hands of the Government of Canada, it was thought that a native of New Brunswick would be immediately selected to fill that high office. The name that suggested itself to most people was that of the Hon. L. A. Wilmot, who for many years had

been a Judge of the Supreme Court. The immediate appointment of this talented gentleman to the office of Lieutenant Governor, would have been looked upon as a very proper act, but for some reason, which is now difficult to explain, this step was not taken. Major General Charles Hastings Doyle was appointed Lieutenant Governor on the 1st of July, 1867, the day when Confederation came in force, and on October 18th following he was succeeded by Colonel Francis Pim Harding, who was in command of the 22nd Regiment then stationed in the Province. Colonel Harding was duly commissioned as Lieutenant Governor and held that office until the 14th of July, 1868, when the Hon. L. A. Wilmot became Lieutenant Governor.

The Legislature met on the 13th of February, 1868, seventeen members, or almost one-half of the total number in the House of Assembly being new men. Among these were several who afterwards took a leading part in the Government of the Province. St. John sent George E. King, a young lawyer who rose to be Attorney-General and Judge of the Supreme Court of New Brunswick, and afterwards a member of the Supreme Bench of Canada. Charlotte sent Benjamin R. Stevenson, who was for a long time Surveyer-General of the Province; while Northumberland was represented by William M. Kelly, who at one time, as Chief Commissioner of Public Works, was the most influential and popular member of the Government. The idea which had been prevalent at the time of Confederation, that the men who were then in

power, or who were party leaders could not be replaced if they went to Ottawa, proved to be an entire delusion. It was discovered at the first election, as it has been at subsequent elections, that there was plenty of talent in the country available for public life. In point of ability Mr. King was equal to any man who ever had filled the office of Attorney-General, and he must be credited with some highly important legislation, which none of his predecessors had dared to attempt. The old leaders were missed, it is true, but the House did not suffer to any appreciable extent in consequence of their absence. The amount of ability that is required to make a successful member of a Government, is not so great as to make it necessary to lament the departure of any leading public man, and this Province has at no time suffered from a lack of men willing and able to undertake the work of administering its public affairs.

As this Government was virtually a continuation of the administration which had existed prior to Confederation, and which had carried that measure, there was no question with regard to its strength in the House of Assembly. None of the men elected at the bye-elections were brought out as opponents of the Government. Indeed it was too early to admit of any serious charges being brought against them. The question on which they had been returned to power was that of Confederation, and that question having been settled, new issues had to be raised before a successful opposition could be developed. The new Government showed a desire to promote harmony at the outset, for it sanctioned

the election as Speaker, of Bliss Botsford of Westmorland, one of the strongest opponents of Confederation. Mr. Botsford was a grandson of the first Speaker of the House of Assembly, and this perhaps may have influenced the Government in selecting him to fill the highly honorable position which had been vacated by the resignation of the Honorable John H. Gray. Mr. Botsford, at a later period, became a County Court Judge, and added very considerably to the gaiety of the members of the Bar, by his eccentricities and blunders.

The speech from the throne contained nothing of particular interest, but recommended a rigid system of economy and retrenchment in every branch of the public service. It promised that measures would be submitted for the abolition of such public offices as were not absolutely required, and also for the more careful collection and management of the public revenue. The address in reply to the speech was moved by Mr. William Lindsay, a member for the County of Carleton, and seconded by Mr. W. H. A. Keans of St. John. Mr. Lindsay was a man of much natural ability, and although not an eloquent speaker, was able to take a hand in a debate against almost any opponent. He had a great gift of repartee, and the most brilliant orators never cared to enter the lists with him. He afterwards became a member of the Government and in the course of time retired to the dignified seclusion of the Legislative Council.

The Legislation of the session included a number of measures which had been rendered necessary by

the change in the constitution. One of these related to the Legislative Council, and fixed the number of members of that body at 18. It also placed the power of appointment in the Lieutenant Governor and Council absolutely, under the great seal of the Province. This was a matter which had been left in some doubt by the British North America Act. The 88th section of that act provided, that the constitution of the Legislature of the Province should continue as it existed before the union, until altered under the authority of the act. The Legislative Councillors of New Brunswick were, under a clause in the commission of the Governor General of British North America, appointed by the Lieutenant Governor, subject to confirmation by the Queen. The commission which contained this clause, was revoked at the time of the union on the issuing to Lord Monk of his commission as Governor General of Canada. This important power of appointment was therefore dependent on a clause in a revoked commission, so that the need of Legislation was very manifest. Another act abolished the office of Solicitor General, and a third made the Provincial Secretary the Receiver General by virtue of his office. Considering the great change that was involved in the constitution of the Province by Confederation, the amount of legislation required to give effect to the British North America Act was very slight.

At this time the Federal Government was moving in the matter of making a survey of the Intercolonial Railway, for the purpose of determining the route to be adopted. The Legislature of Quebec had

passed resolutions for the purpose of influencing the Government to select the Major Robinson line. On motion of Mr. Hartley, one of the new members for Carleton County, a resolution was passed, affirming that in the selection of the route, regard alone should be had to the conditions of cheapness, directness and general utility, and that in the opinion of the House, a more direct, better, and cheaper line could be had than that known as Major Robinson's, or its modification known as The Northern Central. This resolution was carried by a vote of 26 to 12, all the representatives of the North Shore voting against it. The voice of New Brunswick, therefore, was divided on this important question of route. One result of this was, that the route finally selected was the worst possible, if it was intended to make the Intercolonial Railway a commercial success. This is emphasized by the fact that the Dominion Government is now constructing another line through New Brunswick to Quebec, to take the place of the Intercolonial Railway, as a means of bringing traffic from the Western Provinces to the sea.

At this time the railway, known as Eastern Extension, was being constructed under the Provincial Government subsidy of \$10,000 a mile from Painsec Junction to the borders of Nova Scotia on the Miseguash River. This line passed through the towns of Dorchester and Sackville and thence to Amherst. As the Intercolonial Railway was about to be built under the authority of the British North America Act, it was felt to be very desirable that Eastern Extension should be made a part of it. In

October, 1867, the Privy Council of Canada adopted a memorandum of the Minister of Public Works, informing the Government of New Brunswick that Eastern Extension would not be recognized or adopted by the Government of the Dominion as a part of the Intercolonial Railway, unless it was found to be in respect to its location, manner of construction and cost, suitable for the purpose, and therefore that the work, if proceeded with, must be at the sole risk and cost of the Province of New Brunswick. The Chief Engineer of the Intercolonial Railway, Mr. Sanford Flemming, desired to carry it by way of Baie Verte, a route which would have entirely avoided the principal settlements in the counties of Westmorland and Cumberland. The excuse for this was, that a shorter line could be found by way of Baie Verte than by Moncton, Dorchester, Sackville and Amherst. But, if the shortest possible line had been desired, it certainly would not have been carried through New Brunswick by way of the North Shore and by the Metapedia Valley. After a long struggle Eastern Extension was finally adopted as a portion of the Intercolonial Railway, but the financial questions arising out of that matter, were not finally settled until the year 1901, 34 years after Confederation. The Dominion Government apparently tried to drive as hard a bargain as possible with the Government of New Brunswick, and refused to make them full compensation for the sums that they expended on the Eastern Extension Railway, until after a new generation had arisen and a new Government had come into power.



Hon. William Elder
Hon. Peter Mitchell
Hon. John R. Partelow

Sir Albert J. Smith
Hon. W. W. Wedderburn
Hon. John H. Grey

The line of railway known as Western Extension, was also being built at this time. This line extended from St. John to Bangor, but the portion for which New Brunswick was responsible was that from St. John to the border of the State of Maine, a distance of 88 miles. There was also a branch line 22 miles in length, to Fredericton, the capital of the Province. These lines were being built under the subsidy of \$10,000 a mile, which had been granted in 1863. This was certainly a very liberal subvention, and it was supplemented by the Government taking \$300,000 of the stock of the railway, and by grants, which were made by the cities of St. John and Fredericton, and other municipalities which were interested in the construction of the road. Western Extension was finally completed in 1869, and, after passing through various changes, became a part of the Canadian Pacific Railway, under the terms of a perpetual lease. A branch railway from St. Stephen to the St. Andrews railroad was also constructed and an extension of the same road to Woodstock was carried out. This line was known as the New Brunswick and Canada Railway, but it finally came into the possession of the Canadian Pacific, and now forms a part of that line. This road was the means of diverting to St. Stephen a large amount of the traffic which had formerly come down the St. John river.

The Session of 1868, was not allowed to pass without an attack on the Government. Dr. Dow, one of the members for York, presented a motion, calling upon them to resign, on the ground that

they had declared their inability to carry on the business of the country or produce to the House a detailed statement of the public expenditure during the past year. As these statements had been actually presented, and as there had been no declaration on the part of the Government that they were unable to carry on the business of the country, the motion seemed to be based on false premises. Nevertheless it was debated, and a division taken upon it, with the result that the Government was sustained by a vote of 31 to 6. The six members who voted against the Government, were Dr. Dow, Mr. Babbitt of Queens, Mr. Bliss of Albert, Mr. Montgomery of Restigouche and Messrs. Hibbert and Stevenson of Charlotte. There did not seem to be any particular ground of opposition to the Government at this time, for they had only been in office for a short period and had followed in the path of their predecessors, who were in power prior to Confederation. It will be seen that in the course of a year or two the opposition developed more strength, which was a natural consequence of the unsettled condition of parties, the old lines having been in a measure obliterated by the accomplishment of Confederation.

When the Legislature met on the 4th of March, 1869, quite a number of changes had taken place in the personnel of the Government and House of Assembly. Mr. Sutton, the Surveyor General, had resigned that position, and his place had been taken by William P. Flewelling, one of the members for the county of Kings. Mr. King of St. John and Mr. Kelly of Northumberland became members of the Govern-

ment without office. Mr. Glasier, one of the members for Sunbury, had been called to the Senate and Mr. Beveridge of Victoria, and Mr. McInerney of Kent, had been appointed members of the Legislative Council. Vacancies had been created in the counties of St. John, Carleton and York by the appointment to office of the Honorable Charles N. Skinner, the death of James R. Hartley, and the resignation of John Pickard. These changes brought six new members into the House of Assembly, one of them being Mr. W. H. Needham, who had been out of political life for several years.

The Lieutenant-Governor who addressed the Legislature on this occasion, was the Hon. L. A. Wilmot, who had been a prominent figure in the public life of the Province, and had been one of the judges of the Supreme Court for many years. This was the first occasion on which the Legislature of the Province of New Brunswick had been addressed by a Governor who was a native of the Province, and it was therefore a new era in the political development of the country. Since then, all our governors have been natives of New Brunswick, and the time will no doubt come when the same rule will be applied to the Governors of Canada. The principal subject referred to in the speech of the Lieutenant-Governor was the adjustment of claims which had been preferred against the Federal Government for balances due this Province under the heads of railways, post office, penitentiary, and light houses, as well as for railway stocks which had been transferred to the Federal Government, under the terms of the British North America Act.

The correspondence which took place between the two Governments at that time, shows that the Federal Government, was disposed to treat the Province in a very illiberal manner and to ignore its just claims. The Province had entered Confederation with a right to a debt of \$7,000,000, but the larger part of this was covered by the existing debt, which had been incurred in the construction of a railway from St. John to Shediac, which became the property of the Federal Government, the balance had been exhausted in paying the subsidies on Western Extension and other railways, so that the Province was actually in debt to the Federal Government according to the calculations of the Auditor-General of Canada. This person estimated that on the 30th June, 1869, the Province had exceeded the amount of debt apportioned to it by about \$320,000, and he deducted the interest amounting to upwards of \$19,000 from the half-yearly subsidy of the Province of New Brunswick, and an additional \$12,000 pending the settlement of railway accounts. It turned out afterwards that this \$12,000 was deducted in error, it being a claim against a railway and not against the Province. The fact that such a deduction was made, was not very creditable to the book-keeping of the Government of Canada. As the revenue of the Province was very small, amounting to only \$442,000 for the year 1868, the deduction attempted to be made from the subsidy by the Dominion Government, became a serious matter.

Very early in the session it was seen that the opposition to the Government was likely to be

much stronger than it was at the previous session. Mr. Hibbard, one of the members for Charlotte, moved an amendment to the address, declaring that His Excellency's present advisers did not possess the confidence of the House. Mr. Hibbard was a gentleman who had been gifted by nature with a considerable amount of ability. His face was Napoleonic, and he had much force of character. His speaking was always interesting and vigorous, but he suffered from defects in his education. When the vote was taken on this amendment, it was supported by 16 members, while 24 voted confidence in the Government. The increase in the number of the Opposition from 6 to 16 in a single year had an ominous look and suggested that another session might find the Government in a minority. Among the 16 who voted against it was Mr. Sutton, who had recently been Surveyor General, and who was, therefore, responsible for its policy.

One of the results of Confederation had been to cause a number of persons who were dissatisfied with it, to utter sentiments favorable to annexation to the United States. In most cases the persons who yielded to such ideas were not really sincere, and their rash talk was merely the result of resentment at a union which they did not desire. Strange to say among the most loud voiced of these persons, were many who had been ultra loyal and excessively British, and who had previously professed to think that British connection would be endangered by a union with Canada. The successor of Mr. Skinner as a representative of the

County of St. John, was John W. Cudlip, an impulsive person, who at one time did an extensive business in that city. Before he had been many days in the House, he gave notice of a resolution in favor of the annexation of the Province to the United States. A highly dramatic scene ensued. As soon as he began to read it Attorney General Wetmore rose in his wrath, and Mr. Cudlip dropped his paper on the Clerk's desk and ran out of the House. On motion of the Attorney General it was resolved that Mr. Cudlip's notice should not be permitted to be entered upon the notice book of the House, in consequence of the disloyal sentiments contained in it. As for Cudlip himself, he fled to St. John, and did not again make his appearance in the House during the session. The people of that Loyalist city were highly indignant at the conduct of their representative and called upon him to resign his seat. Mr. Cudlip afterwards became an official of the Dominion Government and wrote no more annexationist resolutions.

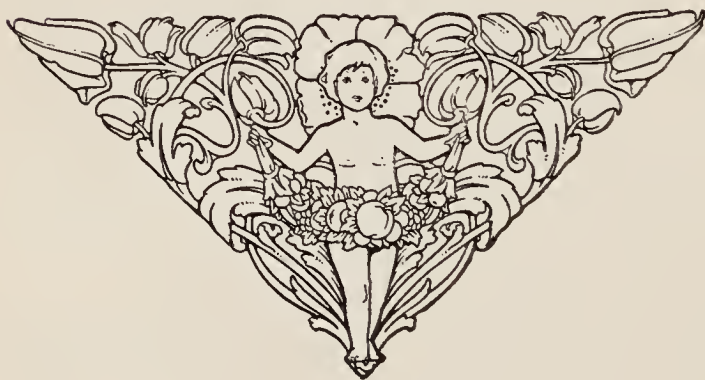
During the session of 1869, the Province took a long step in advance, in the passage of an act which provided for the trial of election petitions before a judge of the Supreme Court. Up to that time all contested elections had been tried by a committee of the House of Assembly, a tribunal which was open to the charge of partisanship, and which did not always deal out even handed justice. The Province of New Brunswick was in advance of the Parliament of Canada in dealing with this matter, for it was not until 1873, that the latter passed the Controverted Elections act, which provided a law

common to the whole Dominion for the trial of election petitions.


Among the important acts of the session, was one relating to the right of married women to hold real and personal property. Under the Revised Statutes, passed in 1854, it was provided that the real and personal property belonging to a woman before or accruing after her marriage, except such as was received from her husband during marriage, should be held as her separate property, so as to be exempt from seizure for the debts of her husband, and in case of desertion or abandonment by her husband such married women might, in her own name and for her own use, recover and receive from persons indebted to her for services performed and debts due to her. Cases had arisen in which married women were living separate from their husbands in consequence of the latter becoming insane, or from similar causes, and the law was extended so as to cover such cases, and to make it clear that a married woman under such circumstances might enjoy the property which she had acquired. The extension of the right of married women to own and acquire property separate and apart from their husbands, is one of the interesting features of the legislation of the latter half of the 19th century. The other legislation of the session was not important.

At the instance of Mr. McQueen, one of the members for Westmorland, a select committee was appointed to whom was referred all matters connected with the Crown Land Department from 1861 to date with power to bring before them persons and papers. The result of the investiga-

tions of this committee, went to show that certain lumbermen in Charlotte county were obtaining Crown Land under the labor act. This act enables a person to acquire land on certain terms of settlement on paying for it in labor on the roads. It is a piece of legislation which appears to be highly favorable to the interests of the poor man, but in practice it has been much abused and the Crown Land Department has had to be continually on its guard against fraud. It appeared that one of the persons who had been obtaining lands under the labor act was the Hon. John McAdam, Chief Commissioner of Public Works, and this led to his resignation of that office and the appointment of the Hon. William M. Kelly of Northumberland to the position.



CHAPTER XL.

HE session of 1870 met on the 10th of February. The principal subject dealt with in the Lieutenant Governor's speech was immigration, and the measures that had been taken to promote the settlement of the Province. There was at this time an impression that it would be possible to bring a large number of immigrants from the United Kingdom to settle in New Brunswick, and to place them on the lands of the Province, granting them free lots and giving them facilities for settlement. Unfortunately for the success of this experiment the prairie country to the westward was beginning to attract attention, and was drawing away from the older Provinces, many of their most adventurous sons. It was difficult for men from the United Kingdom, who were not used to the life of New Brunswick, to settle themselves on a piece of wilderness land and carve a farm out of the forest. Experience has shown that the men best adapted for this sort of work are persons who have been born in New Brunswick, who can wield an axe and who understand the conditions of life which exist here.

The address in answer to the speech was carried without any division, but a question soon arose which gave the opponents of the Government an

opportunity of showing their hands. Among the persons who had been talking annexation in consequence of the passing of Confederation, was George Botsford, the clerk of the Legislative Council, who had filled that office for many years. The Government on the 7th of February, 1870, removed him, and appointed George J. Bliss, assistant clerk of the House of Assembly, to be clerk of the Legislative Council. The Council at once proceeded to dispute the action of the Government and passed a series of resolutions, declaring that the attempted removal of their clerk was contrary to the Royal instructions, to parliamentary usage and law, and an infringement of the privileges of the Legislative Council. These resolutions also declared that the Queen's commission, issued to the clerk of the House, could not be revoked or cancelled by the Executive Council, without an act of the Legislature sanctioned by the Governor General. It was also resolved that the attempted removal of the clerk was a direct interference with the internal arrangements of the Legislative Council. Strange to say Mr. Botsford was able to obtain the opinion of two eminent lawyers, Mr. Charles Duff and Mr. S. R. Thomson in favor of his contention, although the view put forth by the Legislative Council and by these gentlemen, was treated with utter contempt when it came before the law officers of the Crown in England. This dispute with the Legislative Council threatened to put a stop to legislation altogether, and it was only by a series of expedients, which were somewhat undignified, that the public

business could be proceeded with. The conduct of the Legislative Council in this matter, was altogether subversive of the principles of Responsible Government and extremely discreditable. In the end the Council had to yield, and Mr. Bliss was duly recognized as a clerk of the Council. About this time, however, the clerk of the House of Assembly retired and Mr. Bliss was appointed in his place, and Mr. Botsford was reappointed clerk of the Council.

When the matter came up in the House of Assembly under a series of resolutions moved by Attorney-General Wetmore, affirming the position of the Government and expressing the opinion that the matter should be referred to the Minister of Justice and the officers of the Crown of Great Britain, the Opposition led by Mr. Hibbard, moved a series of amendments favoring the position taken by the Council. These amendments were defeated by a vote of fifteen to twenty-one. But the members of the Opposition placed themselves on record as supporting a wholly unconstitutional proposition, and denying the right of the Executive to make appointments, such as it had been constantly in the habit of making from the foundation of the Province.

At this time the route of the Intercolonial Railway had been settled by the Government of Canada, by the North Shore, and a great deal of dissatisfaction was felt in consequence of its location, especially in the counties bordering on the River St. John. It was thought, and justly, that the objects for which the railway was to be built, would

be largely neutralized by carrying it round the arc of a circle, when it might have gone either through the centre of the Province, or up the St. John river. As a result of this feeling, a company was incorporated to build a railway from Fredericton to Woodstock, and from thence to Edmundston in the county of Madawaska. It was expected that this line would connect with a similar line coming from the Province of Quebec by way of River DeLoup. The Government granted a subsidy of 10,000 acres of land per mile, to aid in the construction of this road. This bill passed through both houses of the Legislature without any opposition, the Crown lands of the Province at that time being thought of little value. Since then, this grant has been much criticized as improvident, because it locked up a large area of the best lands of the Province and interfered with their settlement. The railway was built, and connected with a railway extending from River De Loup to Edmundston, but it has never been operated as a through line. It is now owned by the Canadian Pacific Railway Company.

As the House of Assembly had almost completed its term, it was dissolved in June, 1870, and the elections were held immediately. Some important changes took place in the representation of the several constituencies which were not favorable to the Government. Although there was no question of paramount importance before the country, it was felt that the Government was weak. The Attorney General, Mr. A. R. Wetmore, had been appointed a judge of the Supreme Court, and his place as

Attorney General, had been filled by Mr. George E. King, one of the representatives from St. John. Mr. King, although a man of ability, was then little known to the general public, and it was thought the Government had met with a serious loss by the retirement of Mr. Wetmore. That this estimate was entirely wrong was shown conclusively at a later day.

Among the new members elected was Mr. George L. Hatheway, who had been a representative of the the County of York and Chief Commissioner of Public Works prior to Confederation. Another was Michael Adams, a young Roman Catholic lawyer, who was sent from the County of Northumberland, and who afterwards made some figure in public life. Kings County sent J. Herbert Crawford, also a young lawyer, who afterwards became Solicitor General. During the recess an important change had taken place in the personnel of the Government, by the appointment of Mr. Lindsay of Carleton to the office of Surveyor General, in the place of the Hon. Mr. Flewelling, who was defeated in the constituency of Kings. Still, when the House met on the 16th of February, 1871, the Government was felt to be weak, and this was emphasized by the election of Dr. Vail, one of the new members for Kings, to the office of Speaker, on the nomination of Mr. Hatheway. The Government did not venture to oppose this nomination and Dr. Vail was elected unanimously. This gentleman belonged to the old provincial Tory party and had violently opposed confederation.

The principal topic in the speech from the throne was the need of a better system of common schools.

It said: "In comparison with this all other questions for legislative deliberation are of secondary importance. It is the first duty of the governing body to make provision for the education of every child. The children of the poorest in our land should have free access to schools, where they could receive at least the rudiments of an education which will qualify them for an intelligent performance of their duties as citizens." The address in answer to the speech was moved by Mr. Crawford of Kings, and the following Monday appointed for its consideration. When the order of the day was called on that day, the Hon. Mr. King asked that it be enlarged until the following day in consequence of the indisposition of the Hon. Mr. Beckwith, who was unable to be present. On the following day the Attorney General announced that the Government had resigned, and the matter was adjourned for a day. Next day Mr. Hatheway of York announced that, having been called upon by his Excellency, the Lieutenant Governor, to form a Government, he had made up his administration as follows, the Hon. Thomas R. Jones, Hon. George E. King, Hon. William M. Kelly, John S. Covert, Esq., Benjamin R. Stevenson, Esq., William S. Caie, and himself. The House was then prorogued after a session which lasted just one week. The formation of this new Government involved only two changes in the public departments. The Hon. Mr. Hatheway became Provincial Secretary in the place of the Hon. Mr. Beckwith, while Benjamin R. Stevenson of Charlotte, was appointed Surveyor General in the place of the Hon. Mr. Lindsay. The

manner in which the new Government was made up showed clearly enough that party lines had been to a large extent obliterated.

The Legislature met again on the 5th of April, and, in the speech from the throne, a measure relating to common schools was promised, and it was declared that the time had come when the question of free schools must be met and disposed of by the Legislature. As Mr. Hatheway was Premier of the Government which enacted the present free school law he must receive due credit for that achievement, which was certainly one of the very highest importance to the Province. The Hon. Mr. King was undoubtedly the champion who fought it out, and whose exertions at the polls at the next general election, were the means of making it secure. But Mr. Hatheway must be commended for the bold manner in which he risked the existence of his Government upon this important piece of legislation. The school system of the Province at this time, although it cost a great deal of money, was very unsatisfactory. Under its operation not more than one-half as many schools were kept open as were necessary for the proper education of the youth of the country, and the attendance was irregular. The teachers depended very largely for their incomes on their Government allowance. The Provincial expenditure for the year 1870, the last under the old school system, was upwards of \$88,000, while the local contributions for salaries, were estimated at about \$115,000, a considerable part of which was paid, not in money, but in board. The system of boarding around the

teacher, still existed in many rural districts. This system had come into existence at a time when money was scarce, and there was some excuse for its adoption, but it is an extraordinary fact that it should have survived until so recent a period as the year 1870. The number of trained teachers in the Province at this time, was about 700, while some 225 untrained teachers were employed. The training received by these teachers, however, was much less thorough than that which is required at the present time, three months at the Normal School being deemed sufficient to qualify a teacher for his work. In some of the counties the schools were extremely deficient, and all over the Province not more than two-thirds of the children who should have been attending school, were receiving an education.

When it is remembered that up to that time public opinion in the Province had apparently been adverse to a free school law, it is remarkable how little opposition the measure encountered in the Legislature or out of it. The bill was introduced by the Hon. Mr. King on the 12th of April, and ordered to be printed. It was considered before the House in committee on the 24th of April, six members voting against the bill, and thirteen for it. The bill was further considered in committee for several days, and on the question of taking up the bill section by section, the vote was twenty-four to fourteen, among its opponents being the Speaker, Dr. Vail. The most important division was that taken on the 5th of May, when it was resolved that a new section be added to the bill, that all schools:

conducted under its provisions should be non-sectarian. This was carried by a vote of 25 to 10. The bill was then passed and went up to the Legislative Council for their consideration.

The school bill was received by the Legislative Council on the 6th of May, and it was considered in committee on the 16th. An amendment was moved to it, that all schools existing at the time of the passing of the bill, and all schools to be hereafter established, whether separate or common schools, should, provided they complied with the requirements thereof, be entitled to their share of the district assessment and other funds for the support of schools. This amendment was supported by six members of the Council and opposed by six, so that it did not carry and there was no further division on the bill, which was agreed to. If the amendment had carried it would have destroyed the principle for which the promoters of the bill were contending, that the schools under it should be free and non-sectarian.

The difficulties involved in carrying a free and non-sectarian school law in New Brunswick was very great. Many persons in the Province were opposed to the principle of free schools altogether, and thought that the education of the children should be placed on the shoulders of their parents. Many looking to the Mother Country as an example to be imitated, argued that if free schools did not exist there, we in New Brunswick did not need them. As Massachusetts had been the first community on this continent to adopt free schools, and also the first to rebel

against the royal authority, there was thought by many to be something republican and revolutionary in the free school idea. The non-sectarian features of the school bill also brought a large body of opponents into the field. It soon became evident that the entire Roman Catholic population of the Province, as far as its views could be heard, was hostile to non-sectarian schools. While the bill was being discussed, numerous petitions were received, asking that in any school bill that might be passed, provision should be made for denominational schools, especially for Catholic schools. Some of these petitions were very numerously signed, the largest being from St. John, where three petitions received nearly 2,000 signatures. Gloucester came next, and the petitions from that county against the school bill were signed by about 1,000 persons. Most of these petitions were headed by the Parish Priest, while two of them were signed by the Roman Catholic bishops of St. John and Chatham. The work of petitioning against the bill, led to petitions in its favor being sent forward, and one from St. John with about 1,200 signatures, asked that the schools under the bill be free and non-sectarian. The opposition of the Roman Catholics to the school bill was a serious matter, but almost equally serious was the hostility of a large proportion of the members of the Church of England, especially among the clergy. In Great Britain the schools have been largely under the control of the clergy of the Church of England, and it was quite natural that there should be among the adherents of that church in this Province, a

feeling in favor of schools controlled by that denomination. On the other hand the Presbyterians, Methodists, and Baptists, as well as a considerable portion of the adherents of the Church of England, stood up for non-sectarian schools. Few people realized at the time how important a battle was being fought, and it was not until the bill had become law, that the struggle for free schools, free from denominational control, became acute. The enemies of the free schools used all their weapons both at the polls and in the courts, to have it nullified, and those who won the battle, therefore, owe them no thanks for their moderation in the matter. They have won the fight which was by all odds the most important after Confederation, of any that has ever been fought since this Province enjoyed Responsible Government, but it is fitting that they should show moderation in their triumph, and administer the law justly and for the benefit of all.

The free school law came into operation on the first of January, 1872, but in the meantime, the Board of Education and the Chief Superintendent were empowered to take such preliminary action as was thought necessary in the work of organization, as it was desirable that the business should be inaugurated as thoroughly as possible. Mr. Theodore H. Rand, who had filled a similar position in Nova Scotia, was appointed Chief Superintendent of the schools of New Brunswick. The change in the school system was of so radical a character that everything had to be constructed anew, and Mr. Rand, who was an excellent organizer, per-

formed the duties of his office with marked ability. While the school law was the work of Attorney General King, the system under which it is operated, was the creation of Mr. Rand. It cannot be denied that this school law has given an immense impulse to the cause of education in New Brunswick, and has placed within the reach of every child the means of acquiring a sufficient amount of schooling to answer the ordinary purposes of life. The free school system takes a child through all the grades up to the highest, and fits him for the University.

One of the immediate effects of the new school law was to abolish all the special grants which had been given to denominational schools and academies. These had amounted during the last year they were given, to about \$8,000. The largest institutions which were effected by this change, were the Wesleyan Academy at Sackville, which received \$1,200 a year; the Madras School, which received \$800; the Roman Catholic Schools at Fredericton, St. John, and other places in the Province, which received in the aggregate \$2,400; and the Baptist Seminary at Fredericton, which received \$600. From this time the work of supporting these schools was placed on the denominations to which they belonged.

When the Legislature met on the 29th of February, 1872, the Lieutenant Governor was able to inform the members that the act relating to common schools had been inaugurated with the most encouraging prospects. The stimulus which

this measure gave to the cause of education was really surprising, and showed that the change in the educational system of the Province had come none too soon. The number of pupils who attended the schools during some part of the year rose from less than 45,000 in 1871, to upwards of 60,000 three years later, and soon these figures were largely increased. The number of schools rose in three years, from less than 900 to 1,051, and it has since risen to upwards of 1,800. These results of the operation of the school law are the best justification of the passing of this most important measure.



CHAPTER XLI.

IN July, 1872, the Hon. George L. Hatheway died quite suddenly, and this led to a re-organization of the Government. Attorney General King became Premier and the Hon. John J. Fraser was made Provincial Secretary, resigning his seat in the Legislative Council, and being elected to the seat in York made vacant by the death of Mr. Hatheway. Hon. Robert Young a member of the Legislative Council was appointed to the Executive Council, and took Mr. Fraser's place as President, thus the Government was filled up and remained as strong as before, for Mr. Young was probably the most influential member of the Legislative Council. Mr. Young was a resident of the County of Gloucester and had voted for an amendment to the school bill, which if carried, would have saddled separate schools on this Province, but he now fell in with the school policy of the Government and did his part to make it successful.

If the agitation against the school laws had been confined to the Province, it would have speedily subsided, for its advantages would have been perceived by the people as soon as it was given a fair trial. But when the law had passed the Legislature and was being put in operation, it was attacked in the House of Commons. Mr. Costigan,

the member for Victoria, made himself the Champion and leader of the opponents of the measure. At the session of 1872, he moved in the House of Commons, that ~~an~~ humble address be presented to His Excellency, the Governor General, praying him to disallow the New Brunswick School Law. The grounds which he stated for the purpose of justifying this motion were, that the sections of the law "forbidding the imparting of any religious instruction to pupils was opposed to the sentiments of the entire population of the Dominion in general and to the religious convictions of the Roman Catholic population in particular. That the Roman Catholics of New Brunswick cannot without acting unconscientiously, send their children to schools established under the law in question, and yet are compelled, like the remainder of the population, to pay taxes to be devoted to the maintenance of these schools. That the law is unjust, and causes much uneasiness among the Roman Catholic population in general disseminated throughout the whole Dominion of Canada, and that such a state of affairs may prove the cause of disastrous results to all the Confederated Provinces."

This bold attempt to deprive the Province of its right to legislate with regard to education did not succeed. Although both Ontario and Quebec had separate schools for the Roman Catholic and Protestant minorities in these Provinces, a majority of members could not be found in the House of Commons to force such schools on New Brunswick. After much debate and the defeat of several amend-

ments, a resolution was carried expressing regret that the School Act recently passed in New Brunswick was unsatisfactory to a portion of the inhabitants of that Province, and hoping that it may be so modified during the next session of the Legislature, as to remove any just grounds of discontent. To this was added an amendment moved by Hon. Mr. Mackenzie and seconded by Hon. Mr. Blake, that this House deems it expedient that the opinion of the law officers of the Crown in England, and if possible the opinion of the Judicial Committee of the Privy Council, should be obtained as to the right of the New Brunswick Legislature to make such changes in the School Law as deprived the Roman Catholics of the privileges they enjoyed at the time of the Union, in respect of religious education in the common schools, with a view of ascertaining whether the case comes within the terms of the 4th sub-section of the 93rd clause of the British North America Act, 1867, which authorizes the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said act."

This resolution was very unfortunately worded, for it seemed to assume that the Roman Catholics had been deprived by the new school law, of some rights which they had formerly enjoyed. Much indignation was felt among the upholders of the law in New Brunswick, at what they regarded as an unwarrantable interference on the part of the House of Commons, with the rights of their Legislature. This indignation was increased, when at the session of 1873, the first session of the second Parliament

of Canada. Mr. Costigan succeeded in carrying an amendment to the motion to go into supply, declaring it to be the opinion of the House that the parties aggrieved by the operation of the New Brunswick School law, should have an opportunity of bringing the matter, judicially, before the Privy Council, and that in the meantime it was the duty of the Government to advise the Governor-General to disallow the several acts passed during the last session of the New Brunswick Legislature [to legalize assessments made under the Common School Act of New Brunswick] and an amendment of the Common School Act. This was carried against the Government, by a vote of ninety-eight to sixty-three, of which Quebec contributed thirty-four to the majority, and it showed clearly how little the upholders of the New Brunswick School Law could rely on the good will of the House of Commons. Three of the members of the New Brunswick Government, immediately went to Ottawa, and presented to the Governor-General, a remonstrance against the action of the House of Commons. The Governor-General declined to comply with the terms of the resolution and disallow the New Brunswick acts, but submitted the case to the Home Authorities. The Law officers of the Crown of England, advised that the acts in question, like the School Act, itself, were within the powers of the Legislature, and that the Canadian House of Commons could not constitutionally interfere with their operation by passing a resolution, as, if such a resolution was allowed to have effect, it would amount to a virtual repeal of the British North

America Act. The acts therefore were not disallowed, but in the meantime, at the instance of the Government, the sum of \$5,000 was voted to enable any party to appeal to Her Majesty in Council on the subject of the New Brunswick School Acts. This was something more than generous on the part of Dominion Government and the House of Commons, and was virtually putting a premium on resistance to a law which the Legislature was competent to pass, and which treated all classes and denominations alike. The result of the appeal to the Judicial Committee of the Privy Council was, that the validity of the New Brunswick School Law was sustained.

The School law was resisted, either actively or passively, in all the Counties in which the Roman Catholics were in a majority, but it was in the County of Gloucester that this resistance assumed its most acute form. The census of 1871 showed that Gloucester had, 18,810 inhabitants of whom 16,078 were Roman Catholics and 12,680 were of French origin. Here, if, as the ecclesiastics claimed, the denominational system was the correct one, was the fairest possible field for its exercise. Yet the census of 1871, showed that this system had been a dismal failure, for out of 7,956 persons in the County of Gloucester of 21 years of age and upwards 4,227, or more than half, were unable to write. Nor is this surprising when the state of the schools of Gloucester is taken into account. During the last term under the old school law, that county had only 28 schools with 882 pupils on the register and an average attendance of 489. But

these schools, few as they were in number, were very unequally distributed, so that the lack of educational facilities in some parts of the county was extreme. The parishes of Bathurst, Beresford and New Bandon, with a population of 9,972, had 19 schools and 682 pupils on the register, while the other four parishes with 8,838 inhabitants, had only 9 schools and 200 pupils on the register. The parish of Saumarez with 2,162 inhabitants, all of whom except 31 were Roman Catholics, had but one school with 32 pupils on the register and an average attendance of 16. In Shippegan there were 2,015 inhabitants, all Catholics except 136, and here there were two schools with 42 pupils on the register, and an average attendance of 25. In the parish of Caraquet with 3,111 inhabitants, all Roman Catholics except 79, there were three schools with 73 pupils on the register and an average attendance of 36. If it was the duty of the Priests as they claimed, to supervise the education of their parishioners, then surely that duty had been most grossly neglected under the old school law. How could it be expected that the French Acadians of Gloucester, would be able to improve their condition or become an important factor in the Government of the Province, while so steeped in ignorance. To-day, although the population of that County is only about 50 per cent greater than it was in 1871, the number of its schools has risen to 110 and they are attended by about 5,000 pupils. A new generation of French Acadians has risen who are well educated, intelligent and enterprising, and who are represented in the Legislature

by eight members of French origin, worthy representatives of their race.

The following extract from the life of Sir George Cartier by Mr. DeCelles, a French Catholic, will convey to the reader some idea of the difficulties to some of the prominent politicians of Canada, involved in the New Brunswick School Question.

"The matter, however, that gave most concern to Cartier was the New Brunswick school embroglio. When, in 1871, the news spread that the Catholics of that Province had been deprived of their system of separate schools which had existed up to that time, and previous to Confederation, the press of Quebec at once took sides with the Catholics of New Brunswick. Without stopping to inquire what was the true legal position, the editors cried out that the minority was suffering persecution. Thus influenced, public opinion very soon followed in the same track, and the Government was at once importuned to interfere and protect the down-trodden minority. When Parliament met in the winter of 1872, Messrs. Costigan, Anglin, and Renaud, brought up the grievance of their New Brunswick friends, and protested against the proposed change which denied to the Catholics any share of the educational fund so long as their schools remained sectional. They requested the disallowance of the obnoxious law; but the Government resisted that request on the ground that educational legislation was vested solely in the Provincial Legislature; that although sympathy went out towards the aggrieved citizens of that province, it was out of

the question to advise the Governor-General to veto the act. It was set forth by Sir John A. Macdonald, to make the situation clear, that when the Confederation scheme was under discussion, an attempt had been made to place education under Federal control, which attempt, the delegates from Quebec had entirely objected to, going so far as to declare that they could not accept any scheme of union in which education would pass from Provincial control. It was, however, decided that, in order to protect existing rights in Ontario and Quebec, an appeal should lie to the Central Government if these rights were interfered with by their respective local Legislatures. The Government was sustained in this position, and Cartier, feeling the great responsibility attached to his conduct in this matter, made a decided effort to convince his co-religionists how wrong they were in pressing the Government to interfere. The members were of one mind with him, but outside of parliament, the debate was waged between sentimental reasons and legal arguments and, with the masses, the latter seldom gain a victory. Cartier, with his usual vim and high spirit, when he was seeking Lower Canada's concurrence, led the public to expect from Confederation more than it could give, as a protection to minorities. Had he not stated in the House at Quebec, that any attempt upon the rights of the minorities would be visited by the interference of the Federal power? "Is it possible to imagine that the general Government or that the local administration would be guilty of arbitrary acts? What would be the consequence, supposing

the latter should do any unjust action? Measures of this sort would certainly be repudiated by the majority of the people. It is not probable, therefore, that a minority will ever be deprived of its rights. Under this system of federation which places in the hands of the Central Government all matters of general interest, and to whom question of races will be indifferent, religious or national rights will not be ignored." *Condon*

When confronted with the stern fact of the New Brunswick grievance, he took another stand, the only one justifiable in law, but not expected by his fellow-religionists of Quebec. After having demonstrated in the clearest manner possible, that disallowance was not in this case within the Province of the central power, he appealed to the egotism and self-interest of the French Canadians, who, of all the people united in Confederation, should be the last to ask for federal interference in local affairs. It was altogether contrary to the maintenance of their autonomy, to create a precedent which might be used against them later on. It was simply setting before the Protestant minority of Quebec, an example which they might imitate, if any measure were passed by the Quebec Legislature which caused discontent among them. Certainly all this was sound advice, and went far to strengthen the Provincial rights, but at the time it did not convince very many. Of course his sympathies, like those of Sir John Macdonald, went openly with the aggrieved, but he gave them to understand that they had in their own hands the means of obtaining redress. They were an important

minority, and if, with united efforts, they persisted in claiming their rights, these would before long be conceded to them. The Government was sustained in this course, and Cartier's suggestion, that the opinion of the law officers of the Crown in England be obtained on the contention of the Catholics, was accepted. With this ended Cartier's parliamentary connection with the matter, but the agitation waxed terribly strong against him in Quebec. Scarcely anything else was discussed in the electoral campaign of 1872; great questions like the tariff, protection to native industries, the Canadian Pacific Railway—questions of vast import to the advancement of the country—were scarcely mentioned. Matters of sentiment always take the lead in the Province of Quebec, and become the all-absorbing topics of the day."

"Let us give the sequel of that unfortunate incident, in order to draw from it a valuable moral lesson. It was again brought up at the session of 1873, when Mr. Costigan, not being satisfied with the decision adverse to his views given by the law officers of the Crown in England, again asked for the disallowance of the obnoxious legislation. He carried his point against the power of the Government. All the Catholic members of Quebec, save four, two of whom were Ministers, voted for the Costigan motion; many did so reluctantly, simply obeying the dictates of public opinion and of the clergy, but thinking probably in their own minds, that they were pursuing a dangerous course. When the Liberals came into power another effort was made to obtain redress of the

long standing grievance: but the new administration was adverse to anything which would look like high-handed proceedings. At the session of 1874, Mr. Costigan forced it again upon the attention of the Commons, with the help of the Quebec Conservatives, who, having suffered so much at the hands of their opponents from the agitation raised by this controversy, were bound now to use it against them to the fullest extent. The object of the new Costigan motion was to have the constitution amended, so as to secure to his co-religionists the privilege they claimed, and a violent debate ensued. Judge of the astonishment of the Quebec members, when the rumor became current that the Bishop of New Brunswick had made a compromise with the local Government, by which the Catholic children could receive, under certain conditions, religious instruction in the public schools. What offended the supporters of the Costigan motion was, that the Bishop allowed them to continue this long standing fight after he had brought the difficulty to an end, without giving them a word of warning, and without consulting them, after all the trouble they had taken to obtain redress for his flock. The fact of the matter is that for nearly five years, all the energies of Quebec had gravitated around this New Brunswick local affair, to the exclusion of all other interests. It was inferred from this want of consideration, that this active and sympathetic support was little appreciated when the need for it had passed. The Quebec friends of the New Brunswick Catholics seemed then to have played a rather Quixotic part.

in this battle for redress of other people's grievances. They received an unmerited lesson, but one which was lost upon them. They were again found on several occasions to be more Catholic than the Pope, and more aggrieved than the real sufferer of the wrong.

The School Act has now been in operation for nearly forty years, and while no one can claim that it is perfect, its effects have been beneficial and it has been the means of banishing illiteracy from the Province to a large extent. Its main defect is that sufficient encouragement is not given to male teachers who would take up the work as a permanent avocation, and that so many of the schools are taught by young females who have but little experience in teaching and who are liable to abandon the business and get married at an early age. These difficulties however, will no doubt, in time, be got rid of or amended, and the schools will be placed on a better footing whenever the people are prepared to pay a higher price for the education of their children. When the School Act was passed in 1871, it was not very strongly supported in the Legislative Council and an amendment, which would have neutralized its best effects, came near being carried in that body, the division being six to six. At the session of 1880, a singular debate took place in the course of passing the address in reply to the speech from the Throne, which seemed to show that some of the old hostility to free non-sectarian schools still existed in the Upper House. One of the paragraphs in the speech stated that there would be a measure presented to the

Legislature relating to schools. Upon this Hon. Mr. Jones enquired in what way the school system was to be changed. The school bill he denounced as a tee-total failure. The Government, he said, should take hold of the matter and make radical changes, for they are sadly needed. As far as he was concerned he had always been willing to be taxed for the education of the youth of the country as far as the three arts, reading, writing and arithmetic were concerned, but he was altogether opposed to the present extravagant system, which was a benefit to the rich man's children at the expense of the poor man. He attacked the school trustees of St. John for their extravagance in erecting that costly school house on Duke street. He had hoped that after the fire such an expensive school house would not again be put up, but it was. The erection of costly school houses was a poorly devised scheme; neat little wooden buildings and plenty of them, would be much better.

Honorable Mr. Hibbard said that if we had extravagant trustees, the law was not to blame for the costly manner in which they conducted affairs. He did not believe in the erection of expensive buildings. He believed in all school children standing on the same footing, and if the poor man's child, by diligence and perseverance works himself head and shoulders above the rich man's child, he deserves it. But St. John has abused the school law, and the time must come when so much of the revenues of the country cannot be taken for the support of education.

The Honorable Mr. Ryan said that he believed that the schools were not as good then as they were ten years before, while the Honorable Mr. Lewis believed that ten or twenty years ago, the country was in a much better state as regards education, than it was in 1880. The school law was not working satisfactorily throughout the country, and he hoped the Government would take some steps to alleviate the crying evil. The law was a hardship to the poor of the country.

Honorable Mr. Lindsay believed that the Government of the day should make as liberal provision for the education of the masses as the finances of the country would permit. He did not believe, however, in the country bearing the expense of the education of those who wished to be lawyers, doctors, etc. Educational matters were in a much better state in the country districts than in cities, he knew, and he could thus sympathize with his friend from St. John.

Hon. Mr. McInerney said that the School Law throughout the country is not looked upon with favor, and under this law, the schools are not as efficient as they were before its passage. He failed to see that the system gave the same advantage to the poor as to the rich, inasmuch as the poor man had to bear the expense of the education of the children of those who could afford to pass them through the higher branches. Again, the Province has no right to give a grant to the University. It imposes a tax upon the poor man who receives no benefit from it. He believed, though, in every child receiving a fair education, at the expense of

the Province. The law, in the first place had never been wished God speed, and could not have luck.


The Hon. John A. Beckwith said that when the question of free schools was first mooted many years ago, he conversed with Hon. Mr. Wark and Mr. Alex. Rankine, who did not favor it, on the ground that it would be improper for those who had no children, to be taxed. He (Beckwith) could not agree with them, as he believed it would be quite proper for them to bear a tax, and he now held the same opinion. But the country is now overtaxed for schools. It was never intended to give a real first-class education. He believed in the Province teaching every child to read and write, and at that state, if the child has perseverance and a fair share of ability, he will work out for himself a first-class education. He regarded the system as expensive and trusted the Executive would do something towards diminishing the cost.

These speeches on the question of education show that the views of our legislators in 1880 were very different from those that prevail at the present day. Yet, the school law, so far from being a failure in 1880 as stated by the Hon. Mr. Jones, had at that time doubled the number of pupils attending the schools in New Brunswick. No one now believes that the provision for advanced education favors the rich at the expense of the poor. The best proof of the demand for higher education, is found in the establishment of consolidated schools in country districts. The number of these schools is certain to increase. So far from the grant to the University being unpopular,

or liable to be withdrawn, the people of New Brunswick are willing to increase it, for the purpose of establishing new chairs, so that our young men may be better equipped for the business of life. The cost of education to the people of New Brunswick instead of being less than that of 1880, has since then been more than doubled, the greatest increase being in the district assessment. The people of the Province have learned that they cannot obtain a good education for their children without paying for it. The amounts raised for school purposes by district assessment and by Municipal aid is now two and a half times as great as the amount of the Government grant in aid of schools.



CHAPTER XLII.

HE session of 1874 was the last of the 23rd Legislature of New Brunswick. The Lieutenant Governor in his speech was able to announce the settlement of the export duty for the sum of \$150,000 a year to be paid by the Dominion Government to the Province. New Brunswick had exacted an export duty on certain kinds of lumber prior to Confederation, but this impost was contrary to the policy of the Dominion Government, to which all matters connected with the customs had been relegated by the British North America Act. This payment of \$150,000 a year to the Province, was considered a fair equivalent for the abandoned export duties which would certainly have increased largely with the increased lumber trade. The Governor was also able to announce that under the new arrangement made with the Dominion Government, New Brunswick had been allowed an increase of debt equal to an income of \$58,000 a year. It was also stated that the Province had other claims against the Dominion which it was hoped would be adjusted at a future day. Some of these claims, such as those arising out of the Eastern Extension Railway, were greatly delayed in the settlement and did not mature for many years.

The resolutions moved by Mr. Costigan in the Dominion House of Commons, in regard to the Schools of New Brunswick, naturally attracted much attention, and a resolution moved by the Hon. Mr. Wedderburn condemning the interference of the Dominion Parliament with the rights of New Brunswick with regard to its schools was carried by a large majority, only thirteen members voting against it. It was significant of the temper of the times and the feeling of the people, that of these thirteen, nine lost their seats at the general election a few months later.

An important bill of the session was one to subsidize certain railways to the extent of \$5,000 a mile. This followed the same lines of the measure passed in 1863, under which Western Extension and other railways were built. Under the measure of 1874, the Grand Southern, the Canada Eastern, the New Brunswick Central, the Hampton and St. Martins, the Cape Tormentine, the Kent Northern, the Caraquet, the Elgin and Petitcodiac, and other lines, were constructed. Altogether 425 miles of new railway were built under this new Act, all of which served a useful purpose for the development of the Province.

The House was dissolved on the 15th of May, 1874, and the elections took place in June. The only question before the people was the School Law and the result was, that out of a House of 41 members only five opponents of the law were returned. These were Messrs. Burns and Blanchard of Gloucester, Messrs. O'Leary and Johnston of Kent and Mr. Theriault of Madawaska. This was a

notable triumph for the free non-sectarian school system.

When the Legislature met in the early part of 1875, the Hon. Mr. King, who had borne the weight of the election contest and whose hustings speech at St. John largely contributed to the victory, was able to announce the complete success of his policy. After such a decided declaration of the views of the people, there could be no room for any further doubt as to the success of free schools. Unfortunately, in January, prior to the meeting of the Legislature, a riot, arising out of the School Law had taken place in Caraquet, involving loss of life and making it necessary to send a military force to that place to protect life and property. This riot cost the Province about \$20,000 in military and legal expenses.

Among the other Acts of the session was one introduced by the Hon. Mr. King changing the basis of assessment. This Act is still in force. An Act was also passed to authorize the sale of the St. John Suspension Bridge for \$65,000. This bridge had been built by a private company more than 20 years before, and was the only toll bridge in the Province. It was thought that it should be acquired by the Government and made free, and this was done under the Act referred to. Another important bill of the session was one relating to Agriculture. Up to that time all affairs connected with Agriculture had been under the direction of a Board composed of about twenty members not all of whom were farmers. It cannot be said that the work done by this Board was very efficient, so the

Government passed an Act placing the control of agricultural matters into the hands of the Executive and providing for a Secretary for Agriculture, who should do the work under their direction. This arrangement continued for about twenty-five years when a Department of Agriculture was created under the control of a member of the Government.

Another bill which was passed at this session and which had been much heard of in former years was one incorporating the Orange Order. This measure had been passed in 1874, but had been defeated in the Legislative Council. It was now carried in the House by a vote of 27 to 11 and this time the Council accepted it and it became law. A vote was also taken at this session in the House of Assembly on a resolution moved by one of the members for St. John in favor of a union of the Maritime Provinces. It was defeated by a vote of 25 to 10. This was a matter that had sprung up frequently in the Legislature, and in 1864, delegates had actually been appointed to represent New Brunswick in a Conference of the three Maritime Provinces to arrange for terms of union. These negotiations were put an end to by the arrival at Charlottetown of representatives of the Government of Canada, who were sent to endeavor to arrange a Confederation of all the Provinces. Nevertheless the Maritime Union has been frequently discussed since Confederation, and some public men have expatiated on its advantages, on the ground that it would give more weight to the influence of the Maritime Provinces, if they were united. Still there are such wide differences in the interests of the

three Maritime Provinces, that it is extremely doubtful if Maritime Union will ever be accepted by all the three provinces interested.

Up to the year 1875, only three of the Counties of the Province had been incorporated. These were York, Carleton, and Sunbury, which had been created Municipalities under a permissive Act. In 1875, Northumberland and Gloucester were created Municipalities by Acts of the Legislature, and Moncton, which was becoming a railway centre, was incorporated as a town. The people were becoming tired of the old system of government by the sessions, and the time was approaching when all the counties would be converted into Municipalities, and the administration of their affairs brought into the direct control of the people. The same idea was presently to be carried out in the government of smaller communities, so that at the present time nearly all the towns in the Province have become incorporated.

The principal topic mentioned in the speech of the Governor during the legislative session of 1876, was improvements which had been effected by the Provincial Government in the importation of stock for the benefit of the farmer. In 1875, upwards of 75 head of cattle of improved breeds, were imported, and also a number of horses. This policy has been followed up by successive Governments ever since with excellent results. At this session of the Legislature, a resolution was passed authorizing the erection of a new Normal School building at Fredericton, for the purpose of accommodating the large number of students which were expected to be enrolled under the new school law.

The years from 1870 to 1876 were a period of decided progress in railway development. In 1870, a line of railway was completed from St. John to Fredericton, and in 1871, St. John, by means of the Western Extension Railway, was connected with Bangor and the railway system of the United States. In 1873 connection was made with Halifax, and in 1876 St. John and Halifax, by means of the Intercolonial Railway, were connected with Quebec. The completing of the Intercolonial Railway, which united the Maritime Provinces with Quebec and Ontario, was regarded as a notable achievement and great hopes were founded upon it and its effect on the commerce of the country. Unfortunately the route of the railway was not such as to insure the best results for New Brunswick. Immediately after confederation a survey was ordered under the management of Sanford Fleming, for the purpose of deciding upon the best route for the Intercolonial through New Brunswick. At that time there was a line from Halifax to Truro which afterwards became a part of the Intercolonial, and there was also a line from St. John to Shediac which was absorbed into the Intercolonial at a later period. From this line, which crossed the country from East to West, there were three available routes, the North Shore route, which was the one finally adopted, the central route which would go through the centre of the Province in the same manner as the Grand Trunk Pacific, and the St. John River Valley route which would follow the river on the West side from St. John to Grand Falls. The people of St. John were naturally very anxious that

the latter route should be adopted, while the people of Halifax were just as strongly the other way. The chief engineer, Mr. Fleming, decided in favor of the North Shore route, and even proposed to carry the railway round by Baie Verte, thus avoiding Dorchester, Sackville and Amherst, through which a line was being built prior to Confederation. Finally this line, which was known by the name of the Eastern Extension, was finally adopted as a part of the Intercolonial railway, but not until the Dominion Government had made hard terms with the Province, which involved a considerable loss on its cost. The Eastern Extension claims of New Brunswick were not settled until thirty years had elapsed from the time when the location of the line was decided upon. The route of the Intercolonial as settled by the Dominion Government, gave St. John a very slight advantage over Halifax in the matter of distance. One of the great arguments for the construction of the Intercolonial was, that it would bring the products of the West to the ports of the Maritime Provinces, and make these ports the winter ports of Canada, in the place of Portland, Maine, which had been adopted by the Grand Trunk Railway long before Confederation. These hopes, however, were doomed to be disappointed. Although the Government of Canada had built an elevator at Halifax for the shipping of grain, it was not used, the distance between Halifax and Montreal being so much greater than the distance from Portland to Montreal. Portland continued to be the terminus of the Canadian Mail boats up to the year 1897.

When the people of St. John discovered that they were not likely to derive any benefit from the Intercolonial Railway, an agitation was commenced for the building of a shorter line to Quebec, down the St. John River Valley. This was the origin of the New Brunswick Railway which was built from Gibson opposite Fredericton to Edmunston. The Legislature, to encourage the building of this road, gave the Company which built it, a subsidy of 10,000 acres a mile. This was a very improvident grant, but it is only fair to those who voted for the grant to say that no one had any idea at that time, that our timber lands would ever be as valuable as they have since become. Prior to that time, large areas of timber land had been sold by the Province to lumbermen for as low a price as 50 cents an acre, so that the grant for 10,000 acres a mile at that time did not seem excessive. The hopes that were founded on the construction of this railway proved to be fallacious. The line did not go beyond Edmunston, leaving a gap of 80 miles between that place and Riviere Du Loup. At a later period this line was built to Riviere Du Loup by another Company, but it has never had any effect on through traffic between St. John and Quebec or Montreal. The New Brunswick Railway was acquired by the Canadian Pacific and is now a part of that great railway, but as the Short Line gives a shorter route to St. John from Montreal, it is not needed at present as a through line. The time may come when it will be made available, should the narrow policy of the Government of the United States abolish the bonding privilege by

which Canadian goods are carried through that territory.

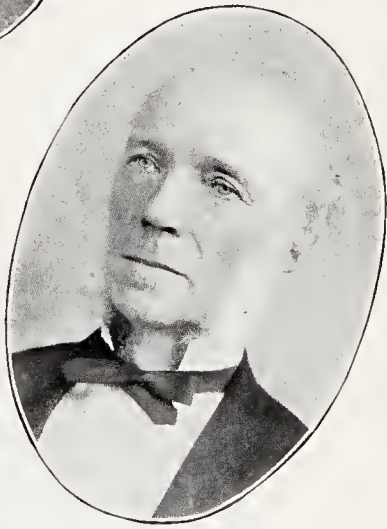
There were two sessions of the Legislature in 1877, the first being in February, and the second on the 28th August. In the meantime had occurred the great St. John fire, which destroyed two-thirds of the buildings in that city, consumed ten miles of streets, and brought financial ruin to hundreds. This calamity which occurred on the 20th of June, destroyed upwards of 1,600 houses, turned 15,000 people out of doors, and burnt up about thirty million dollars worth of property. It consumed the mercantile stocks of every kind, in the city, leaving St. John without sufficient food to sustain the people for more than a day or two. Nearly every shop in the city was destroyed. All the newspapers were burned up; in fact, the destruction could hardly be more complete. Many lives were lost. The whole water front on the eastern side of the city, with its wharves, was burned over, and many vessels which were lying at them were destroyed. This calamity as soon as it became known, appealed to the charitable instincts of the whole world. Large sums of money, cargoes of supplies and car loads of bread-stuffs, furniture and clothing were sent to St. John from the cities of the United States and other portions of Canada. Later, large donations of money were received from the United Kingdom. The Dominion Government gave a donation of \$20,000, and all the cities of Western Canada contributed liberally. A relief and aid society was formed in St. John, under the presidency of the Mayor, S. X. Earle, M. D., and

this organization had the valuable advice and assistance of Mr. C. G. Trusdell, the general Superintendent of the Chicago Relief and Aid Society, who was sent down to St. John for that purpose. This society relieved the necessities at once and has ever since been in operation, for the purpose of assisting those who were ruined by the fire and who, from age or other causes, were unable to recover their former conditions. As it was evident that the fire had been largely due to the imperfect manner in which St. John was built, and especially to the existence of so many houses with shingled roofs, it became necessary to enact legislation to control the rebuilding of the city. The August session of the Legislature only sat for nine days, but it accomplished its work by limiting the height of wooden houses and by defining the bounds of the territory in which only brick or stone houses were to be built. For the two years following the fire, St. John was a very busy place, for the owners of property were all engaged in rebuilding and laborers from all over America came to assist. The new St. John was a much handsomer city than its predecessor, but in many cases, it was found that the new buildings were larger than the needs of trade required, and the business centre of the city had to a large extent been changed, some streets being deserted, while others had reaped the benefit of the altered conditions. The fire naturally retarded the growth of the city, for the destruction of so much capital could not be readily replaced. As St. John is the principal market of the Province,

this calamity, which arrested its growth, was felt all over New Brunswick, especially in the river counties, and in the County of Kings and will account for the stationary character of the population at the following census.

A number of important changes took place on the eve of the election of 1878. The Premier, the Hon. George E. King, resigned on the 4th of May, and the Hon. John J. Fraser, who had been Provincial Secretary, became Premier and Attorney General. The Hon. Wm. M. Kelly, who had been the Chief Commissioner of Public Works for ten years, resigned that office and became a member of the Legislative Council. He was succeeded as Commissioner by P. A. Landry. William Wedderburn, who had been Speaker, became Provincial Secretary, and Michael Adams, Surveyor General, the Hon. B. R. Stevenson having resigned that office, to become Speaker of the House. D. L. Hanington became a member of the Executive without office. These changes brought a large amount of new blood into the Government, but did not involve any special change in policy.





Hon. George F. Hill
C. W. Wetmore

Hon. T. W. Anglin

Hon. A. T. Dunn
James S. Beek

CHAPTER XLIII.

AP to the year 1878, the old party names of Liberals and Conservatives, did not cut any great figure in Provincial politics. Confederation had been carried by leaders of both parties, and although there was always an anti-confederate element in the Legislature, it was not of sufficient importance to give it any standing. The first real difference of opinion in political matters in the Legislature arose over the free school law, and after that had been disposed of and had been confirmed as the result of a general election, there was no great question to divide the members of the house. At the election of 1874, 28 members who claimed to be Liberals were returned, and only seven Conservatives, but at the general election of 1878, the parties were more equally divided, there being 21 Liberals, 17 Conservatives and three who announced themselves as independents. In the meantime the Liberals were certainly losing ground throughout Canada, as was seen by the result of the Dominion Elections of 1878, when the Government of the Hon. Alex. MacKenzie was defeated. The principal issue in that contest was the national policy, so called, which aimed to build up the industries of Canada. Such an issue was the very natural result of the policy pursued by the United States which abrogated the

Reciprocity Treaty in 1868, and defiantly announced, through its official organs, that it was the intention to so hamper the trade of Canada by hostile tariffs that it would be forced to seek annexation to the United States. The direct result of this policy was to harden the hearts of the Canadian people against any closer union with the United States, and to demand of the Government the imposition of such duties on foreign imports as would enable the industries of Canada to stand alone. The period between 1874 and 1878 was one in which men felt themselves free to change their views on Dominion politics. When the Hon. George E. King, the leader of the Provincial Government, was elected in 1874, he announced himself to be a Liberal, but at the election of 1878, he contested the County of St. John for the House of Commons as a Conservative, opposing Messrs. Isaac Burpee and C. W. Weldon, who were supporters of the Government of the Hon. Alexander Mackenzie. In Provincial politics there never was up to that time, any hard and fast line. The Government of New Brunswick which went to the people in 1878, contained six liberal-conservatives and three liberals. The Hon. Robert Young, President of the Council, was a Conservative, and so were the Attorney General, Hon. John J. Fraser, Hon. P. A. Landry, Chief Commissioner of the Board of Works, Hon. Michael Adams, the Surveyor General, and the Hon. Daniel L. Hanington and Robert Marshall. The three Liberals in the Government were the Hon. Wm. Wedderburn, Provincial Secretary, Hon. J. Herbert Crawford, and the Hon. Wm. E. Perley. The

House elected in 1874 was dissolved on the 14th of May, 1878, and the elections took place immediately. The result was favorable to the Government who were able to meet the House in 1879, with undiminished strength. The best proof of the loose manner in which party ties were held is afforded by the election returns, St. John City returning one Liberal who was a member of the Government, and a Conservative who was a supporter of the Government, while St. John County returned two Liberals who supported the Government and one who was opposed to it, and one Conservative who was a supporter of the Government.

The county of York returned three Conservatives, one of whom was the leader of the Government, and another a supporter of the Government, while the third, Mr. A. G. Blair, became leader of the Opposition, and after he became Premier appeared in the Parliamentary Companion as a Liberal. The fourth member for York was an undoubted Liberal, and was opposed to the Provincial Government.

On February 6th, 1880, the Lieutenant-Governor of the Province, Honorable Edward Barron Chandler died, at the age of 80 years. He had held the office of Lieutenant-Governor for less than two years, having been appointed in July, 1878. Governor Chandler had been an exceedingly active force in the political life of the Province, especially at the time when the Province was endeavoring to obtain control of its Crown Lands. He took a very active interest in Confederation, but declined a seat

in the Senate of the Dominion. He was appointed a Commissioner for the construction of the Inter-colonial Railway in 1878. He had been a member of the Executive Council of New Brunswick from 1842 to 1858, and from 1867 to 1869. Governor Chandler was succeeded by the Honorable Robert Duncan Wilmot, who held the office of Lieutenant-Governor, until November, 1885.

The Legislature had been called together for the despatch of business on the 25th of February, 1880, but on that day the Parliament building took fire and was practically destroyed. This building was a wooden structure which had been in existence for about seventy-five years, and which had certainly outlived its usefulness. The building consisted of a main structure and two wings, and afforded accommodation to the House of Assembly, the Legislative Council and the Supreme Court. The eastern wing contained a room for the Judges and the Law Library, while the western wing had committee rooms, and a room for the clerk of the House. It was fortunate that none of the Departments were located in this old wooden building, they having their offices in two stone buildings close to the Parliament building. The Legislative Library was in the rear of the Parliament building, and a good many of the books in it were destroyed. The original sessional papers, in the room of the Clerk of the House from the year 1786 down, were fortunately saved.

As there was no place available for the use of the Legislature, its meeting was postponed until March 9th, and on that day the members of both Houses

met in the Normal School Building. The principal feature of the session was the attempt that was made by the people of St. John to remove the seat of Government to that city. This attempt was not looked upon with much favor by the representatives of the other Constituencies, for, however unfortunate the original choice of the Capital had been, it was felt that to remove it at that late date, when the very existence of Fredericton as a community, may be said to have depended upon, it would have been cruel and improper. The friends of Fredericton mustered in force and defeated the proposal to change the seat of Government, the leader of the Opposition, who was a representative of the County of York, joining forces with the Government in that vote.

Among the matters which were referred to in the speech of the Lieutenant Governor was the visit of the Governor General the Marquis of Lorne, and his wife, the Princess Louise, daughter of Queen Victoria. Their reception everywhere was a most hearty one. The people of all the places visited vying with each other in their efforts to show a due sense of the honor done them by this visit.

During the summer of 1880 the Province was visited by two gentlemen who were connected with Agriculture in the United Kingdom, Professor Sheldon, who was on the staff of an Agricultural College in England and Mr. Sparrow, an English tenant farmer. These gentlemen had been brought to Canada by the Government of the Dominion, for the purpose of reporting on agricultural conditions in Canada both in the East and the West. The

Government of New Brunswick very properly took them in hand when they reached this Province, and carried them over some of its best agricultural areas, including the Counties of Carleton and Victoria, the Counties of Kings and Westmorland and portions of the North Shore. Among the places visited was the new Danish settlement of New Denmark. In his report Professor Sheldon spoke most favorably of the agricultural prospects of New Brunswick. He said, "In many parts of her beautiful country, New Brunswick has soils easy to cultivate, deep in staple and rich in the accumulated fertility of many centuries, many of the soils in the districts bordering on the St. John River, have every indication of being well adapted to stock raising, especially bovine stock. They are in many cases sandy or gravelly loams, seldom needing artificial draining, varying no doubt in depth and quality, but hardly anywhere good for nothing. It is probable, in fact, that with the exception of Prince Edward Island, New Brunswick has quite as large, if not a larger proportion of cultivable soils than any of the Provinces east of the Great Lakes. This, however, is obviously a question to which I cannot pretend to give a definite opinion until I have had a better and longer opportunity of inspecting all of them with a view to that end, an opportunity, which I fear is not likely to arise. So far, however, the settled portions of the Province are chiefly along or adjacent to the banks of the rivers, those mighty arteries of the country, or around the bays and inlets of the sea, — but there are millions of broad

upland acres not yet appropriated, as good in all probability for agricultural purposes as those that are, if we make exception of the dyke and intervale lands. Look, for instance at the youthful settlement of New Denmark. This locality seven years ago was covered with a dense forest of hardwood, intermingled with pine and other softwood trees; now it is producing abundant crops of vegetables and grain, some of which are of superior quality and it supports a happy and flourishing colony; here too the soil is a loam, enriched with the dead foliage of the forest primeval.

“Take Carleton County again, much of which consists of a light friable loam, well adapted for a variety of agricultural purposes, for mixed husbandry and the like. This is an older settled district, with pleasantly laid out farms, and a wealth of live stock; and wisely or unwisely, exporting large quantities of hay. If well-built houses and farmsteads are a safe criterion, it is clear in this district — on the way, that is, from Florenceville to Woodstock — the farmers are prosperous, and so contented. Or we may go to the Scotch settlement of Napan, on the Miramichi river, and find a thrifty and well-to-do people with well laid out and cultivated farms and homesteads bespeaking prosperity. The soil here is not so friable as in the other settlements, but the farmers are not content with less than a ten-fold yield of oats. Away up the river again, we find farms, to-wit, that of Mr. Whitney, which promise to make a good return for all the skill and industry which are applied to them.

“Instances like these, will, in time, be multiplied all over the Province—the progress of the country and the march of events will bring them to pass, ere long. In certain portions of the Province, there are soils which have certain very remarkable properties and features. The “intervale lands;” the term “intervale” by the way is an excellent one, accurately descriptive; — the intervale lands of the St. John and other valleys, I make bold to say, are among the most valuable to be found in the Dominion of Canada, and they are generally attractive in appearance, sometimes forming beautiful and extensive islands in mid-stream, but generally flanking the river on either side. These intervale lands are annually covered, more or less, and for a longer or shorter time, by the spring freshets of the noble rivers by which they have been formed, and are often enriched by the alluvial deposits of mineral and vegetable matter, which is left by the subsiding waters. Generally speaking, these intervalles are clothed by a thick sward of rich and varied grasses forming a herbage unsurpassed, in all probability, by the natural grasses of any portion of the American continent, and equally valuable for pasturage or for meadow. To the upland farms adjoining, many of which have a frontage on the river, these intervale lands, are I should say, of great value; cutting, year by year, large crops of hay whose quality is good, and, requiring no assistance beyond that which the freshets supply, they provide a large supply of forage for the winter use, and valuable aftermath for pasturage in the

autumn. Thus it is that the river maintains the fertility of the uplands ; by first of all covering the lowlands with a sediment which does away with the need of employing other fertilizers, and so the whole of the barnyard manure may be used on the uplands. The river farms strike me as being excellently well adapted to the kindred pursuits of dairy farming, stock-raising and beef fattening, along with all the various cultivated crops, which are essential to the highest profits in these departments of husbandry. I allude to the roots of various kinds, green crops for soiling, clovers, rye, grasses and the like. There can be no doubt that raising stock of a superior kind and fattening it for the British market, with dairy farming as a foundation, in conjunction also with sheep husbandry to some extent, and the raising of a due proportion of cereals, a general mixed husbandry in fact ; will in the end prove highly profitable on such farms. Take next, the " dyke land " in the neighborhood of Dorchester, Sackville, Amherst and other places adjacent to inlets on the Bay of Fundy, and we have soils at once singular in character and extraordinary in fertility. They yield, as in the case of *intervale*, without assistance other than that supplied by nature, large crops of grass, though it is unlike the grass of the *intervales*, very coarse in quality, yet better than it looks. It is at the same time true, however, that careful draining, generous cultivation, and discriminating manuring, would somewhat increase the quantity, while they greatly improved the quality of the products of the soil."

The testimony of Mr. Sparrow in favor of New Brunswick is equally emphatic. He said, "Taking into consideration its noble rivers, their navigable character, the rich intervalles of the St. John, the fine lands around Sussex, the rich marshes of Sackville, the fertile lands of many other parts, much richly timbered with hardwood, pine, hemlock, hackmatac, spruce, etc., its valuable fisheries, healthy climate and pure water, and its excellent harbor for ships at St. John, I do not think that New Brunswick can be excelled in any part of the Dominion of Canada except by some of the choice parts of the Province of Ontario.

"I think that the Dominion Government should give special attention to this fine Province, as regards promoting emigration from the Mother Country. I have a strong impression that many families are induced by the glowing accounts of Manitoba, to settle there, and are continually passing by or near good farms and homesteads in the Province of New Brunswick and other Provinces that would be much more suitable for them if they were to purchase them (especially at the low rate of interest on money) and allow the farmers of the older Provinces to undertake the hardships of locating Manitoba."

These favorable reports from persons well qualified to gauge the resources of the Province, have not had so great a result as was hoped for. The tide of emigration still goes westward, although certainly New Brunswick is a much more pleasant country to live in than any portion of the North-West. That this is the case, we have the

testimony of Professor Robertson, who said, in a recent speech, that if he were coming to live in Canada for the first time, he would locate in the Maritime Provinces in preference to any other part of it. No one will presume to doubt his knowledge of the subject or the value of his testimony.

The legislative session of 1881, began on the 8th of February. In the speech from the throne the Lieutenant Governor was able to congratulate the Legislature on the bountiful harvest and on the success of the act relating to agriculture. At this session the line between the supporters of the Government was very sharply defined and a motion made by Mr. Blair, the leader of the opposition, which was virtually a resolution of want of confidence in the Government, had the support of fifteen members in a House of 41 against 24 who voted for the Government. The principal criticisms were of a financial nature, and the motion called for a reduction in the expenditure and the abolition of the Legislative Council, and also a reduction in the number of members in the Executive.

A very important measure of this session was the bill to incorporate the St. John Bridge and Railway Company. The object of this Act was to connect the Intercolonial Railway on the East side, with the line to Bangor on the West side, by means of a bridge across the Falls. This was a very necessary improvement, but there were certain interests which attempted to oppose it and which found supporters in the House of Assembly. Some of the speeches of the opponents of this bill as reported in the synoptic report reflected but very little credit on

the makers and probably would be repudiated by them at the present time. Amongst the opponents of the bill was the Hon. Mr. Wedderburn, the Provincial Secretary, and also his colleague in the representation of the City of St. John, the Hon. Robert Marshall. Fortunately the members from other portions of the Province took a more enlightened view of the matter and the bill was vigorously supported by the Hon. Daniel L. Hanington, the Premier, Mr. Elder, and others who felt that such a means of communication across the St. John River was absolutely necessary. The bill was passed, and the bridge was erected within a year or two, and is now an important link in the line of transportation between the East and the West.



CHAPTER XLIV.

AS the Honorable Mr. Fraser, the leader of the Provincial Government had been selected as the candidate of the Dominion Government, for the House of Commons in the County of York, and as the Secretary, the Honorable Mr. Wedderburn was about to be appointed a County Court Judge, a reorganization of the Government became necessary in the spring of 1882. Among the members who were supporters of the Government for seven years in the Legislature, and by means of his newspaper, the "Daily Telegraph" was Mr. William Elder. He naturally expected to be consulted in the formation of a new Government, and great was his surprise, when on the 25th of May, 1882, he received a telegram from Fredericton, announcing that a new Premier had been chosen, and a new Government formed without the slightest reference to him. The new Premier was the Honorable Daniel L. Hanington, who had been a member of the previous Government without office. The Hon. P. A. Landry who had been Chief Commissioner of the Board of Works in the previous Government, became Provincial Secretary. The Honorable Michael Adams still retained his position as Surveyor-General. The Honorable G. I. Colter became Chief Commissioner of Public Works, and

the Honourable E. McLeod, Attorney-General. The members of the Government without office, were the Honorable Robert Marshall, the Honorable William E. Perley, and the Honourable Robert Young, who was President of the Council. Later in the year, the Honourable F. E. Morton was appointed Solicitor-General, on the death of the Honourable J. H. Crawford, who had filled the office of Solicitor General for three years. The election was held on the 15th of June, 1882, and was vigorously contested. It was a Conservative house, twenty-two members being of that complexion, while eighteen announced themselves as Liberals. As the principal members of the Government were Conservatives, the result of the election must have reassured them, and there was no intimation of any trouble prior to the meeting of the Legislature on the 22nd of February 1883. It was stated by members of the Government that at a caucus which was held immediately after the meeting of the Legislature, there were members who attended and assured the Government of their support, but two days later, when Mr. Blair, in his capacity of leader of the Opposition, moved a vote of want of confidence in the Government, it was carried by a narrow majority, and on the 26th of February the Government resigned. The Lieutenant-Governor having called on Mr. Blair to form a new Government, the following Administration was sworn in :

Honorable A. G. Blair, Premier and Attorney-General, Honorable William Elder, Provincial Secretary, Honorable Robert J. Ritchie, Solicitor-

General, Honorable James Mitchell, Surveyor-General, Honorable P. G. Ryan, Chief Commissioner of Public Works, Honorable Thomas S. Gillespie, President of the Council, and the Honorable Archibald Harrison, Honorable G. S. Turner, and the Honorable Dr. Vail without a portfolio. This Government dated from the 3rd of March, 1883, and it was on the same date twenty-five years later that it was finally defeated, after many changes of personnel and five changes of Premiers.

The Blair Government of 1883, included six Liberals and three Conservatives, but it received the support of many Conservatives in the House and was looked upon as a non-party Government although the Premier was counted as a Liberal. The controversies which arose out of the Government of Mr. Blair and his successors, are too recent to be dealt with in a contemporaneous History. Mr. Blair continued Premier until July, 1896, when he resigned to enter the Dominion Cabinet as Minister of Railways. His resignation from that office and his appointment to the position of head of the Railway Commission, which he resigned in 1904, and his death January 25th, 1907, are too recent to require more than a passing mention. Mr. Blair was succeeded as Premier by the Hon. James Mitchell who also became Attorney General, having previously held the offices of Surveyor General and Provincial Secretary. On the formation of this Government the Hon. L. J. Tweedie became Provincial Secretary, the Hon. H. R. Emmerson Chief Commissioner, Hon. A. T. Dunn,

Surveyor General and the Hon. A. S. White, Solicitor General. In June, 1897, the Hon. C. H. LaBillois was appointed Commissioner for Agriculture. Hon. Mr. Mitchell died in December, 1897, and the Hon. H. R. Emmerson became Premier. The only change in the offices arising from that, being that the Hon. A. S. White became Attorney General, while the office of Solicitor General was not filled. Mr. Emmerson continued Premier until August 31st, 1900, and was succeeded by the Hon. Mr. Tweedie. The principal matters affecting the constitution of the Province which were passed during the administration of the Hon. Mr. Blair, were the Act changing the qualification of the electors and candidates for the House of Assembly, and the Act abolishing the Legislative Council. Perhaps to this ought to be added, the Act for the uniting of the Cities of St. John and Portland, and giving a new form of Government to the united City. A change in the qualification of electors and candidates had long been demanded but the conservative instinct of the Legislature resisted any change for many years. The first act on the subject which obtained the sanction of the home authorities, was based on the ownership of land to a certain value, by the voter, and of property in land worth £200 by the elector. At the time of Confederation, the qualification of a voter was to be taxed on real estate or personal property, or on both combined or an income to a certain amount. In the City of St. John, a person who desired to vote on income, had to pay taxes, under the assessment bill then in force, to the amount of about \$25 a

year. The new assessment law introduced and passed by the Hon. George E. King, reduced the rate of taxation and income, but left the amount which was necessary to obtain a vote as it was before. In 1889 Mr. Blair introduced a bill which abolished the property qualification required of members, and practically gave a vote, based on manhood suffrage, to every resident of a constituency, who had lived in it for a year. This Liberal Act was agreed to by members on both sides of the house and passed the Legislative Council. An amendment to it which was moved by Dr. A. A. Stockton and supported by the Hon. Mr. Emmerson, giving a franchise to widows and spinsters who were the owners of property, was withdrawn. The only defect in the bill as passed, was the provision which gave the right to vote to owners of real estate in counties in which they did not reside. This was amended by subsequent legislation passed when the Hon. Mr. Tweedie was Premier and now the principle prevails without question, of one man, one vote, in all Provincial elections.

Many attempts had been made to abolish the Legislative Council or to effect changes in its constitution, such as would make it more efficient and more amenable to public opinion. For some time prior to the year 1891, persons appointed to the Legislative Council were obliged to give a pledge to vote for its abolition, when the time came to introduce a measure for that purpose. At the session of 1891, the Hon. Mr. Blair, introduced a bill of six sections, to abolish the Council. In his speech, when introducing it, he explained these sections as follows :

Section 1, declares the abolition of that body.

Section 2, repeals Chapter 3 of the Consolidated Statutes. Of the constitution of the Legislative Council.

Section 3, declares that all legislative powers, jurisdiction and authority, within the Province which, under the British North America Act or any other law, charter, ordinance or constitutional enactment has heretofore been vested in the Lieutenant Governor, Legislative Council and Assembly, shall be, and are hereby vested in and exercisable by the Lieutenant Governor and the Assembly, to be hereafter designated the Legislative Assembly, and such powers may and shall be as fully exercised and enjoyed by the Lieutenant Governor and Legislative Assembly as the same are now exercised and enjoyed by the Lieutenant Governor, Legislative Council and Assembly.

Section 4, provides that all bills passed by the Legislative Assembly shall become law when sanctioned by the Lieutenant Governor, in the manner heretofore accustomed, and all enactments shall be in the name of the Lieutenant Governor and Legislative Assembly.

Section 5, provides that all persons who are at present members of the Council shall be entitled to retain for life the honors and dignities pertaining to such membership, as fully as if this act had not been passed.

Section 6, provides that the present Clerk of the Council shall continue to be paid during life the same salary he now receives by warrant in the usual manner and the present assistant clerk shall

be paid annually the sum of \$400 during his life."

This bill was supported by the Hon. Mr. Hanington, the leader of the Opposition and was agreed to. The only material amendment passed by the Council was one bringing the bill into operation at the dissolution of the existing House of Assembly. In a subsequent speech on the subject made in the House of Assembly, the Hon. Mr. Blair said :

"Believing the time had arrived and that the present session was an opportune one for the purpose, upon the names of the appointees being selected and determined upon by the Government, I personally, by letter, communicated with many if not all of them on the subject. I stated to them in my communication with reference to their appointment that the policy of the Government was to abolish the Council, and if they would accept an appointment under those circumstances, I asked them to return me with their signatures, the communication which I enclosed. This was the reply or the formal pledge which was returned me in those cases :

To the Attorney General and Leader of the Government.

Sir: Having been notified that the Government has it in contemplation to ask my acceptance of a seat in the Legislative Council and to appoint me thereto at an early date, I beg to assure you that in case my appointment shall take place I will accept the same upon the understanding that I will

at all times vote for any measure or measures introduced and promoted by the Government for the purpose of bringing about the abolition of the Council, and I hereby pledge myself to vote accordingly."

The union of St. John and Portland was accomplished in the year 1889. The City of St. John as originally founded, had a very limited area, not more than 800 acres. The principal portion of it was on the east side of the harbor but a portion of it, containing about five thousand inhabitants on the West side. To the North of the city was Portland, and to the East, Simonds. Portland was originally a parish, and for many years was under parish Government. As it received the overflow from the city of St. John, it presently became populous, and then was incorporated as a town and afterwards as a city. Thus there were two cities at the mouth of the River St. John, one of them containing 25,127 people and the other, Portland, with 15,226 inhabitants. As these two cities were so closely joined together that no one could tell when he had crossed the line between them, it seemed but natural and proper that they should be united. In 1888, an Act was passed to authorize the appointment of a commission to enquire and report with a view to the union of the cities of St. John and Portland. This commission, of which Mr. Wilson, of York, was chairman, reported at the following session of the Legislature, and the bill which they had prepared to effect the union of the two cities, was before the House on the 16th April, the

Legislature having been held for a week or more for the purpose of disposing of this necessary work. As the electors of both cities had voted in favor of union, the only obstacle to its immediate passage was, the claims made for the people of Carleton, or the West side, that there should be a clause in it providing for a free ferry, or a bridge across the harbor at Navy Island. The Legislature refused to pass such an amendment to the bill, and it was agreed to as originally introduced. There can be no doubt that its effect has been very beneficial and that it has given the city of St. John an importance which it would not have otherwise acquired.

The following extract of Mr. Wilson's speech in introducing the Union Bill will convey some idea of the difficulties involved in the measure :

"The difficulty the commission met with was not that of uniting St. John and Portland — it was that of practically uniting different portions of the same city. When they entered upon their inquiry, they found they not only had to unite the two cities but in fact had to unite three cities. They found that under the provisions of the act of settlement passed in 1853, a strange condition of affairs existed between the two portions of St. John, and that the only bond of union between them, was that the representatives of both legislated in the same chamber, that they were presided over by the same mayor and crossed the harbor in the same ferry-boat. Until he inquired into it, he had no idea that such an anomalous state of affairs existed. The commission found it necessary to enter

exhaustively into the financial affairs of the two sides of the harbor, and after making careful inquiry and examining numerous witnesses, as well as the public accounts, they had reached the conclusion that St. John west had been favored in that settlement, as she had obtained the right to raise her revenues from public lands, to such an extent that she was enabled to keep down her taxation to \$1.04. The commission had felt that it was absolutely necessary that some compensation should be given to the people of Carleton for the increased taxation they felt bound to impose upon them, if the union was to be made a success. That was the part of the inquiry they had found most difficult. Calculations were gone into to see what the burdens of the two cities had been, and what they would have been, provided they had been the same for the past five years, and the commission reached the conclusion that the taxation of that portion of the city of St. John which lay on the west would be raised from \$1.04 up to \$1.31 — that is, the commission had found it necessary to impose upon the people on the West Side, an extra burden. They found that the slight difference existing between Portland and St. John east per \$100 was not sufficient to call for any particular recommendation, so far as Portland was concerned, but they did recommend that the sum of \$60,000 should be expended upon the great thoroughfare between Portland bridge and Indiantown. They looked upon that as an expenditure, not only in the interest of Portland but of St. John, and also of the people of the valley of the St. John; furthermore,

taking into consideration that almost all the building lots of St. John were taken up, the commission came to the conclusion that if any large increase of population — for which all would hope — took place, it would be necessary for the people to spread out upon the hills of Portland and build for themselves residences there. They also would be interested in the improvement of this great thoroughfare. And still another consideration which induced them to adopt that course was, that the annual expenditure made upon that street was largely in excess of what would be required to pay the interest on the amount expended upon it. So that it would not only be a great benefit to the whole people, but would be an economical arrangement as well.

“Returning to the subject of remuneration to the people on the West side for the extra taxation levied upon them, Mr. Wilson said it was recommended that the sum of \$60,000 be spent upon the streets and sewers of Carleton within a period of five years, which he thought would amply compensate them for what they were giving up. In order that honorable members might clearly understand just what importance to attach to the superior position which the people of Carleton claimed to occupy, they ought to take into consideration the fact, clearly brought out in the report, that the streets of St. John East had been hewn out of the solid rock and the work of grading them had cost immense sums of money, and they were now about complete and required a very small annual expenditure to maintain them in repair. With reference to

sewers, the evidence of Mr. Smith and Mr. Murdock showed that the sum of \$83,000 would entirely complete the sewerage system of St. John East; the sewers of St. John East were constructed scientifically and of such material that the future outlay would be small. For the great efficiency of the services, the East side had piled up a considerable indebtedness and while, on the other side of the harbor, the people claimed exceptional privileges, yet, according to the testimony of their own men, their streets were in a disgraceful condition, and they had no sewers worthy of the name. By neglecting their streets and sewers in this way, and by diverting the revenue made theirs by law from the common lands and fisheries, they have been able to keep down their taxation and occupy the superior financial position they claim to possess. That position was occupied because of the fact they had been willing to put up with such streets and sewers as the people of St. John East would not tolerate at all. He thought if the sewers and streets of Carleton were placed in anything like the condition of efficiency possessed by those of the east side, the taxation there would be more than it was on the eastern side of the harbor. He ventured the assertion that if St. John and Carleton had, in the past, really been under one Government, under one control as to streets and sewers, that these services would not be in the bad condition they were in to-day, for the Common Council would undoubtedly have been actuated by a desire to see all portions of the city receiving the same benefits in regard to these services. The extra 27 cents of


which the Carleton people complained, would not realize more than the necessities of the public service on that side of the harbor absolutely demanded. While they would be called upon to pay more under the union, at the same time they could rely upon receiving more. If this question was to be discussed from a sectional point of view—from the point of view that the people on the East side would treat those on the West unfairly and unequally—it was impossible to discuss it at all. He was satisfied that Carleton need not entertain the slightest apprehension that she would not be dealt with in a generous spirit. The commission, whether they were given credit for it or not, had given every consideration and bent every energy, to make the union a union not only in law but in fact, and they felt that the expenditure of \$60,000 given to the people of Carleton was sufficient to amply compensate them for the extra taxation they were called upon to pay. It was not true that this was all Carleton was going to get. She would be entitled and would, without any question, receive the proportion of the revenues which her valuation bore to the valuation of the whole city.

“The commission had also inquired as to the best means of communication between the two sides of the harbor. They found that the revenue of the present ferry was about \$18,000, while the expenditure was \$21,000. The commission had concluded that for a bridge across the harbor, costing about \$300,000, the interest to pay on that amount, would not be as great a burden for the people to bear as the present cost of the ferry

service. Besides there was no comparison between the two methods of accommodation. Why, it might be asked, did not the commission recommend a bridge in their report? To that he would reply, that the act forming the commission, had not conferred upon them the power to make the surveys and inquiries that would be necessary, to arrive at an understanding of the cost of that work. If the commission could have ascertained that such a bridge could be built for a reasonable sum, without doubt he thought that provision would have been embodied in the report, but for the reason stated, no recommendation was made, and it was thought better that the power should be left to the Common Council to provide for the necessary surveys and information, upon which they could intelligently deal with that question."



CHAPTER XLV.

HE people of St. John being disappointed with regard to through traffic to Quebec and Montreal by means of the Inter-colonial Railway, and finding that the New Brunswick Railway was not likely to be carried further north than Edmundston, began to look about them for a shorter means of reaching Montreal. At this time the Honorable John Henry Pope, the Minister of Agriculture, in the Government of Sir John A. Macdonald, was promoting a railway from Cookshire, in the Province of Quebec, to Montreal. This became in time, the St. Francis and Megantic International Railway, and presently it was proposed, that this line should be carried through the State of Maine to New Brunswick, the St. John and Maine railway being used to make the connection from Mattawankeag to Vanceboro. After the year 1880, the people of St. John had great hopes of the advantages they would derive from this line, but the work proceeded slowly until after the railway was subsidized by the Government of Canada. The subsidy was in three portions, one covering the part of the railway which passed through the Province of Quebec, the second covering the portion through the State of Maine to connect with the St. John and Maine Railway, and the third, a line through New

Brunswick from Harvey in York to Salisbury, in Westmorland. The work was undertaken by the Atlantic and North Western Railway Company, and, after the first two sections had been completed, it transferred its rights to the Canadian Pacific Railway, without doing anything to build the line across New Brunswick from Harvey to Salisbury, to complete the connection with Halifax. As the Government of Canada, under the terms of its contract, had no power to compel the Atlantic and North Western Railway, to build this part of the Short line, and as the Canadian Pacific Railway declined to build it, a difficulty was presented, which the Dominion Government had to solve. The people of St. John unfortunately, have never had the solid support of some other communities in the Province in their aspirations to be the great Winter Port of Canada. The people of Moncton and Fredericton immediately took steps to demand from the Government of Canada, the fulfilment of the conditions on which the subsidies for the Short Line railway had been given. As the Harvey and Salisbury line was expected to pass through Fredericton, and as the Short Line would take in Moncton, on its way to Halifax, these two communities thought that they had been grievously wronged in the matter, and sent delegations to Ottawa, to urge upon the Government the necessity of carrying out the original plan. The pressure on the Government from these two cities, and from Halifax, was so strong, that Sir John A. Macdonald felt impelled to advise the Government to build the Harvey-Salisbury line, and he introduced a bill for

that purpose which passed the House of Commons, but was defeated in the Senate. It was understood, that if this line was built by the Government, it would be operated by the Canadian Pacific railway, but the latter corporation was very well content to evade this responsibility, knowing well that a line of railway through the wilderness of New Brunswick, was not likely to be a very profitable speculation for many years to come. While this matter was before the Parliament of Canada, and before the bill had been rejected by the Senate, a bill was introduced in the House of Assembly, to incorporate R. C. Skinner, Ambrose D. Richard and F. P. Thompson of New Brunswick, and Louis G. DeBertram of New York, under the title of the Moncton and Harvey Short Line Connection Company. This bill was vigorously opposed by the representatives of St. John, in the House, but it received the support of the Honorable Mr. Blair, and was passed by a vote of twenty-three to ten.

This Act of incorporation never became effective because the line was abandoned by the Government of Canada, after the vote of the Senate. It was explained by the advocates of this measure that if the road had to be built, it would be better to have it constructed by gentlemen who were interested in the future of the Province, rather than by strangers. Under any circumstances, it was hardly likely that the Company thus incorporated would have been entrusted with the work, for if the Dominion Government built it, it would employ its own agents and contractors. The first train from Montreal to St. John arrived in the latter city on the 1st day of

June, 1889. The distance from St. John to Montreal as compared with the Intercolonial, was thus reduced by 271 miles, for it was brought to 481 miles, but as Portland, Maine, was only 298 miles from Montreal, the latter had an advantage of 183 miles over St. John. One step had been gained in bringing St. John nearer to the markets of the west, but much remained to be done before that city could claim to be the principal Winter Port of Canada.

Between 1889 and 1896, the people of St. John derived no advantage from the construction of the Short Line except from the fact that it lessened the distance for passengers going to Montreal and Ottawa. Portland, Me., which had been adopted and equipped, many years before, by the Grand Trunk Railway, as their port of shipment, still continued to handle the freight and was the terminus of their ocean service. The continuance of this state of affairs naturally evoked many protests from the people of St. John, represented by their Board of Trade. It was felt that some efficient action was necessary to be taken before anything could be accomplished towards making St. John the Winter Port of Canada. At that time, there was a branch line from the Canadian Pacific Railway to Sand Point, and there was a small wharf of 180 feet front on the Harbor, connected with it. This line had been transferred to the Dominion Government, but the Common Council of St. John bought it back, and transferred it to the Canadian Pacific Railway, in consideration of their assistance in equipping St. John so that it might be in a

position to compete for the winter freight of Western Canada. The Canadian Pacific Railway extended their wharf so as to make it suitable for steamships, while the City authorities proceeded to erect two deep water wharves near it, and equip them with sheds. The city also contributed \$40,000 to assist the Canadian Pacific Railway in the building of an elevator. This was the beginning of a system of wharves and other facilities for the carrying on of the export trade in winter, which has cost the City of St. John about one million dollars. Still something more was necessary to bring trade to St. John, and this was supplied by the efforts of the two members for the City and County of St. John, Messrs. J. D. Hazen and John A. Chesley. These gentlemen brought such pressure to bear on the Dominion Government, that they consented to subsidize, to the extent of \$25,000, a weekly boat from St. John to Liverpool during the winter of 1895-96. There were 22 sailings of these vessels, aggregating 50,892 tons, and they carried away 272,910 bushels of grain and 6,521 standards of deals. This was the beginning of a trade which has increased to such an extent, that the exports of St. John in the winter of 1908-09 amounted to about \$30,000,000 of which nearly \$10,000,000 came from the United States. St. John is now the terminus of the Canadian Mail Steamships, and eight lines of ocean steamships come to it in winter.

Although Mr. Blair was an able political manager he was not without his share of difficulties during the thirteen years that he was Premier of the

Province. One of these, of a very serious character, arose out of the union of the Cities of St. John and Portland. Under the old charter of the City of St. John, the Common Clerk, who was the secretary of the corporation, sat as an assessor with one of the aldermen, in a Court of Civil Jurisdiction once a week. This Court had jurisdiction in cases of debt up to the amount of eighty dollars. The Common Clerk was Benjamin Lester Peters, and he had filled that office with acceptance for many years. In 1882 he was appointed Police Magistrate with an additional salary. The Act by which the Cities were united, made an entire change in the City court. The Common Clerk became merely the Secretary of the corporation without any judicial functions, and provision was made for a Police Magistrate who, besides his duties as Judge of a Criminal Court, had the same jurisdiction in civil suits as had been enjoyed by the Common Clerk sitting with one alderman under the old charter. As the office of Police Magistrate was one of more dignity and better paid than that of the Common Clerk, friends of Mr. Peters naturally desired that it should be given to him and this view was shared by two of the representatives of the City and County of St. John. The appointment was claimed by the Solicitor General, the Hon. Robert J. Ritchie, and he received it. The affair produced a great deal of excitement in St. John, and it was increased when Messrs. A. A. Stockton and Silas Alward resigned their seats shortly after the appointment was made. The result was, that at the general election, which took place in January, 1890,

the two St. John constituencies, which had returned six members to the Legislature, went against the Government by a very large majority, and among the persons defeated was the Hon. David McLellan, who had been Provincial Secretary for some years. This was a hard blow to the Blair Government, and the gravity of it was increased by the fact that the County of Northumberland which returned four members had elected a full opposition ticket. The question which decided the election in Northumberland, was the rate of stumpage on Crown Lands, which had been \$1.25 per M. and which the Northumberland members demanded should be reduced to \$1.00. The Government was thus virtually defeated, for in St. John and Northumberland ten supporters of the Government had been replaced by ten opponents. Nothing was left then for the leader of the Government but to surrender. He entered into negotiations with the opposition members elected for Northumberland, and agreed to a reduction of the stumpage. This led to a reconstruction of the Government. The Hon. David McLellan, who had lost his seat in St. John, was elevated to the Legislative Council and became President of the Executive Council. Hon. James Mitchell, who had been Surveyor General, became Provincial Secretary. The Hon. L. J. Tweedie became Surveyor General, and the Hon. William Pugsley, who had been Speaker in the former house, was appointed Solicitor General. The Hon. Mr. Ryan remained in his former position of Chief Commissioner of Public Works. With this combination Mr. Blair felt strong

enough to face the Legislature at the session of 1890.

The Legislature which had been elected in January, 1890, was dissolved in September, 1892. One result of this was the defeat of Mr. Blair and his entire ticket in the County of York, but a seat was found for the leader of the Government in Queens, by the resignation of Mr. Thomas Hetherington. The result in York was said to have been due to some trouble which had arisen in Bathurst over the administration of the School law. This matter was brought up in the House in 1893 by one of the members for York, who moved that a select committee of seven members be appointed to whom should be referred the petition of Henry Chestnut, William Lemont, J. A. Vanwart, Q. C., and 113 other rate payers of the County of York, praying "that such orders and regulations may be recommended as will carry out the purpose of the Free School Law, and that all orders contrary thereto, may be rescinded, and that all may be placed upon a footing of equality, with power to send for persons, papers and examine the witnesses under oath and report to this House." This petition was only one of many that had been presented to the Legislature on the same subject, and these petitions were signed by about ten thousand persons. The petitions alleged that special privileges had been granted to the Roman Catholic Church, by the educational authorities of the Province, that on August 5th, 1875, again on June 10th, 1884, and at different subsequent dates, certain private orders or regulations had been

adopted by the Board of Education, setting aside the rules prescribed in the School Manual for the licensing of teachers, and making it possible for the members of certain religious orders of the Roman Catholic Church to qualify for teachers, without submitting to the rule enforced upon other candidates for license.

The petitions went on to state that the employment of the religious orders of any church by the trustees of a public school, is a direct contravention of the School Act and regulations of the Board of Education as published in 1893, but, notwithstanding this fact, members of certain religious orders of the Roman Catholic Church have been employed for many years, in Fredericton, St. John, Moncton, Bathurst, Bathurst Village, and other places, and the salaries of these religious teachers, who wear the Cross, Crucifix and other emblems of their order, and who teach in conventual buildings, are paid for out of the public school monies. The petitions then go on to state that "Your Petitioners are fully convinced that these conventual schools are religious and sectarian, and are conducted in the interests of the Roman Catholic Church. They also state that it is a very grave injustice that Protestants should be compelled to contribute either locally or through the school rates and county fund or provincially through the grants from the public treasury, towards the support of Roman Catholic Institutions." The last section of the petition read as follows :

"That at Bathurst and Bathurst Village, the school law of the Province has been so administered, as to cause a vast deal of discussion, dissatisfaction

and ill-feeling among the people of these districts. More teachers are employed than are necessary. Conventual buildings are used for school purposes, while rooms in the public school building are unoccupied, and the expense of maintaining the schools is excessive. Your petitioners regard it as an outrage, that while the Protestant minority of Bathurst town are compelled to contribute largely towards the support of the Roman Catholic Conventual schools, they should be forced to provide, at their own expense, a private school for their own children."

On the 6th August, 1875, the Government of Mr. King had come to an agreement with Messrs. Burns, O'Leary, Blanchard, Theriault and Johnston all Roman Catholics and members of the Assembly' for the purpose of making the School Law more agreeable to the Roman Catholics, and putting an end to the agitation which had arisen in consequence of its enforcement. By this arrangement members of certain religious orders were eligible for licenses as school teachers, taking the prescribed examination. Buildings which were the property of such orders, or of the Roman Catholic Church, might be rented for school purposes and religious instruction might be given to Roman Catholic children after school hours.

The questions arising from the Bathurst school difficulty, provoked lengthly and sometimes heated discussions in the House, and after being dealt with in committee of the whole, were referred to a commissioner who was to be one of the judges of the Supreme Court. The commissioner selected


was the Honorable John James Fraser, who had been a member of the Government at the time the School Law was brought into force, and also at the time when certain of its provisions were modified to make it more acceptable to the Roman Catholics. His report, which was presented with the evidence taken at the session of 1894, did not sustain the charge that the provisions of the School Law had been violated. The matter afterwards came up in the Equity Court before Judge Barker, and his decision on the subject is condensed in the following marginal note: In the case of Rogers vs. the Trustees of School District No. 2, Bathurst, as reported in Vol. 1. of the New Brunswick Equity Reports.

—“It is not a violation of the provisions of the Common School Act of New Brunswick against sectarian education of public schools, for the school trustees to employ as teachers, sisters of a religious order of the Roman Catholic Church, and permit them while teaching to wear the garb of their order.

“The fact that such teachers contribute all their earnings beyond what they use for their support to the treasury of their order for religious purposes, does not affect their right to be employed in the public schools of the Province.

“The holding in a school room, before and after school hours, of Roman Catholic exercises by a teacher who is a Sister of the Religious Orders of the Roman Catholic Church, for the benefit of the Roman Catholic scholars, does not render such school sectarian.”

CHAPTER XLVI.

 R. Blair having resigned the Premiership for the purpose of becoming a member of the Government of Canada, as Minister of Railways, the Honorable James Mitchell, who had been a member of the Government of New Brunswick from March, 1883, and Provincial Secretary since February, 1890, became Premier and Attorney-General. Mr. Tweedie became Provincial-Secretary, and was succeeded as Surveyor-General, by Mr. A. T. Dunn, while Mr. White continued as Solicitor-General, and Mr. L. P. Farris became a member of the Government without office. The House met on February 4th, 1897. The speech from the Throne which was delivered by the new Lieutenant-Governor, the Honorable Abner Reid McClelan, made a kindly reference to the death of his immediate predecessor, the Honorable John J. Fraser, who had died two months before in Europe. References were made to the dairy industry which was attracting much attention, and bills in amendment to the laws relating to agriculture were promised. At this session the ill health of the Premier practically condemned him to silence, and Mr. Tweedie assumed the position of leader of the House on most occasions. The bill relating to agriculture placed all matters connected with that

great industry, in the hands of a member of the Executive, who took the title of "Commissioner for Agriculture." This bill was opposed by Dr. Stockton, the leader of the Opposition, and also by seven of his followers, Messrs. Pitts, Sumner, Shaw, Lockhart, Howe, Pinder and Black. It was agreed to by a vote of twenty-eight to eight.

In December, 1897, the Hon. James Mitchell died, and Mr. Emmerson was called upon to form a new Government. As Premier, he continued to hold the Department of Public Works. The only change in the Government was, that Mr. White who had been Solicitor General became Attorney General. The office of Solicitor General was not filled. The previous June the Hon. C. H. LaBillois had been appointed Commissioner for Agriculture. The Legislature met on the 10th February, 1898, and the principal feature of the speech from the throne related to the improvement of agricultural conditions. It was stated that the stock importation made during the recess, in accordance with the recommendation of the Farmers' and Dairymen's Association, had met with popular approval as evidenced by the interest manifested in the sale and the satisfactory prices realized. The speech went on to say:—"Past efforts have resulted in a large increase in the dairy products of the country, and I am led to hope that like efforts will result in stimulating and encouraging the farmers of New Brunswick to produce their own wheat supply, as of other cereals, thereby saving to their pockets the large annual drain therefrom now necessary in furnishing bread for their own tables.

“My Government strongly entertain the opinion that butter of the best quality, can be profitably manufactured within the Province during the winter season, through the agency of dairies supplied by auxiliary skimming stations located at suitable points, and, with the view of demonstrating the possibility of conducting this enterprise successfully, have established one such winter dairy at Sussex. As there can be no doubt that great benefits will accrue to the Province should this experiment prove that the enterprise can be made generally successful, you will be glad to hear that the results thus far have been eminently satisfactory. In furtherance of the interests of dairying, the Government have established, and are now conducting a dairy school at Sussex, where all interested can obtain, free of cost, instruction in the most approved methods of butter and cheese making.

“The active and continued interest of a large portion of the progressive business element of St. John, in a Provincial exhibition, has been brought to the notice of my Government, and should the plans matured by the association in charge involve particular and substantial recognition of agricultural exhibits without lessening the usual display of the products of other industrial arts, a bill authorizing financial assistance on the part of the Province, will be submitted for your approval.”

The bill promised by the Government, which was introduced by the new Commissioner for Agriculture, authorized the Government to grant assistance,

by way of bonus, to persons or companies erecting mills for the grinding of wheat, by the Hungarian or other roller process, in localities where no such mills are at present established, or the conversion of any existing mills or into mills equipped for such roller process. The location, style, and capacity of the mill were to be approved by the Lieutenant Governor in Council, who were to prescribe the amount of the bonus in every case, and the conditions upon which the same may be granted. The bill also provided for the purchase by the Government, of such quantities of seed wheat and other seeds as might be thought desirable, the same to be placed on sale at convenient points, in order to afford an opportunity to the farmers to obtain the best seed at reasonable prices. This bill was opposed by the Opposition, but not vigorously. Dr. Alward said it was a question, where and when this thing was to end. If the Government gave aid to one special branch of agriculture, it was more than likely that a demand was to be made upon them to give aid to others.

Hon. Mr. Richard thought it was well to bonus wheat mills, because more money was paid out of the Province for wheat that should be raised here, than for any other crops. To this Dr. Stockton replied, "We buy oranges, but I don't think it is desirable to encourage the raising of them." The bill was agreed to. Under this Act twenty-seven roller mills have been already erected, of which three have been destroyed by fire, leaving twenty-four in operation. The total capacity of all the mills of this class in the Province is 1,260 barrels

of flour every twenty-four hours. If run night and day they would be capable of grinding 1,500,000 bushels of wheat in a year or if working by day only, 750,000 bushels. Their capacity is therefore easily beyond the present wheat production of the Province. Most of these mills, however, are fitted with machinery for grinding buckwheat, etc.

Something of a sensation was produced at this session, by Mr. George W. Fowler, one of the representatives of Kings County who, on March 10th, gave notice of the following motion :

“Whereas, it is advisable that an institution be established in this Province for the teaching of the science of agriculture.

Therefore resolved, that in the opinion of this House, the amount of the annual grant of \$8,844.48 to the University of New Brunswick, should be discontinued with a view to the better enabling the Government to provide for the establishment of a school of agriculture.”

This notice of motion provoked a great deal of indignation among the friends of the University. On the day when this motion was to have been discussed, the College students gathered in a body in the galleries, possibly for the purpose of over-awing the Legislature. Mr. Fowler finding that the motion had caused so great an outburst of loyalty to the University, withdrew it. In doing so, he said : “There is no member in the House a better friend of higher education than myself. It is desirable, if the University be maintained, it shall be made capable of performing the best possible work and there is no denying the fact that there is

a certain under-current that the institution is not." At this point Mr. John Black prevented Mr. Fowler from continuing his remarks, by rising to a point of order, which was, that if the member for Kings intended withdrawing his resolution, he had no right to use the notice of motion for the purpose of making a speech. Mr. Fowler withdrew his motion, but it is a matter of regret that the subject could not have been fully discussed at the time, for nothing is more certain than that there should be better facilities in connection with the University, for agricultural education. Since that time two new Professorships have been established, Engineering and Forestry, and the graduates of Engineering are quite as numerous as those in Arts; but there is this difference, that the graduates in Engineering are all men, while a considerable proportion of the graduates in Arts are women. As there is not sufficient employment in this Province to give positions to all the graduates of Engineering, in the University, that chair is at present an active agent for sending our young men out of New Brunswick.

The Legislature of New Brunswick was dissolved on January 28th, 1899, and the House met on March 23rd. A considerable number of changes arose out of the election, the most important of which were, in the city of St. John. Dr. A. A. Stockton, who had been leader of the Opposition, resigned his seat in the Legislature for the purpose of running as the Conservative candidate for the House of Commons, for the City and County of St. John. This necessitated a change in the

leadership of the party, and that position was filled by Mr. J. Douglas Hazen, one of the members for Sunbury. Mr. Hazen had previously sat in the House of Commons of Canada from 1891 to 1896, as a representative of the City and County of St. John.

The Honorable Henry Emmerson resigned the Premiership on the 31st of August 1900, and on the following day the Honorable L. J. Tweedie became Premier, with the following cabinet :

Honorable L. J. Tweedie, Premier and Provincial Secretary ; Honorable William Pugsley, Attorney-General ; Honorable A. T. Dunn, Surveyor-General ; Honorable C. H. LaBillois, Chief Commissioner of Public Works ; Honorable L. P. Farris, Commissioner for Agriculture ; Honorable G. F. Hill and Honorable H. A. McKeown, members of Council (without portfolio).

Mr. Hill resigned from the Government at the time of the general election in February 1903, and Mr. Sweeney was taken in, without portfolio, in March. In the same year Mr. McKeown became Solicitor-General. In 1904 Mr. Dunn was appointed Collector of the port of St. John, and on February 7th, 1905, Mr. F. J. Sweeney, who had been appointed Solicitor-General, was appointed Surveyor-General. Mr. McKeown had resigned as Solicitor-General to contest one of the St. John constituencies for the House of Commons. On February 7th, 1905, Mr. Wendell P. Jones, one of the members for Carleton, became Solicitor General. There were no other changes in the cabinet until the death of Lieutenant-Governor Snowball, which took place

on the 24th of February, 1907. Honorable L. J. Tweedie was appointed Lieutenant-Governor on March 2nd, 1907. The new Lieutenant-Governor called on the Honorable William Pugsley to form a ministry. In this ministry Mr. Pugsley retained his office of Attorney-General, and provisionally that of Provincial Secretary. Mr. LaBillois retained his office of Chief Commissioner of Public Works, Mr. Farris, that of Commissioner for Agriculture, Mr. Sweeney, the Surveyor Generalship, and Mr. Jones, the office of Solicitor General, while the Honorable Clifford W. Robinson, who had been Speaker, for seven sessions, became a member of the Government without office, the understanding being that he was to become Provincial Secretary as soon as the House was prorogued. After the conclusion of the session, the Hon. C. W. Robinson on April 15th, 1907, became Provincial Secretary, and was re-elected for the County of Westmorland by acclamation. On May 31st, he was called to the Premiership on the resignation of the Hon. William Pugsley, who was returned to the House of Commons for the City and County of St. John, to fill the vacancy caused by the death of Dr. A. A. Stockton. Mr. Robinson became Provincial Secretary and temporarily assumed the duties of Attorney General. The other members of the Government continued to hold the same portfolios as before. In July, the Hon. James Barnes, one of the members for Kent, became a member of the Government without office. In October, the Hon. Mr. Robinson resigned the office of Attorney General, and the Hon. Mr.

McKeown was appointed in his place and returned for the County of St. John by acclamation, in the place of Dr. Ruddick who resigned on November 8th. At a later day Premier Robinson resigned the Provincial Secretaryship, and E. H. Allen was appointed in his place. The General Election took place on the 3rd March, 1908, and resulted in the complete defeat of the Government which, with various modifications, had ruled the destinies of the Province for twenty-five years. The Government resigned on the 24th day of March, and the Hon. J. Douglas Hazen was called upon to form a Government, which he did immediately, taking the position of Premier and Attorney General. The Hon. James K. Flemming became Provincial Secretary, the Hon. John Morrissy, Chief Commissioner of Public Works, the Hon. W. C. Hazen Grimmer, Surveyor General, the Hon. Harry F. McLeod, Solicitor General, the Hon. David V. Landry Commissioner for Agriculture, and the Hon. Robert Maxwell, President of the Council.



APPENDIX.

EARLY CHURCH HISTORY

The Roman Catholic Church.

THE Roman Catholic Church was first in the field in its Mission work, in what is now the Province of New Brunswick. One of the objects in the settlement of Acadia in which Champlain was greatly interested, was the conversion of the savages to the Christian religion. Among the persons who came out with Champlain in 1604, was Aubrey, a priest from Paris, but we heard nothing more of him afterwards, and it is possible that he may have died during their first disastrous winter on St. Croix Island. The first baptism which is recorded in Acadia, was that of the Indian Chief, Membertou, which took place on the 24th of June, 1610. The Priest on that occasion being Josse Flesche. During the same year, Father Pierre Biard and Father Euemonde Masse, were sent out to Acadia by Marquis De Guercheville, who had become interested in the country and proposed to found a settlement. Father Masse went to the mouth of the Saint John River and took up his abode with Louis Membertou and his family, living in the Indian fashion, for the purpose of extending his knowledge of the Micmac language. In 1619, a Mission of the Recollets, Monks of the Order of

St. Francis, was founded at Miscou, and in 1623, one of these Fathers, Bernardin, perished in the woods while on his way from Miscou to the River Saint John, where the heads of the Mission resided. Some interesting particulars of the Missions in Acadia were contained in a letter written by Father Ignace to the Secretary of the Sacred Congregation for the Propagation of the Faith, in 1656. This Father in his letter, made some extraordinary statements, possibly the result of wrong information. He appears to have been much attached to D'Aulnay, whom he praises very highly, and it was he, who, on the 24th May, 1650, when D'Aulnay was found drowned on the shores of the Basin of Port Royal, conveyed his body to the Fort, and on the following day conducted his funeral. All this is told by Ignace, in a letter written on the 5th of August, 1663, three years and three months after the event it relates.

In this letter to the Secretary of the Sacred Congregation, he names Father Leonard of Charters, Capuchin, Superior of the Mission, who was stationed at Port Royal. This Father was a witness to the marriage contract of LaTour and Madam D'Aulnay, made on the 24th February, 1653. Father Ignace states that the English put him to death when they took Port Royal in 1654. This is an incredible story, and is directly contradicted by the fact that Father Leonard signed the Capitulation as Vice-prefect on behalf of the Mission.

One of the terms of this Capitulation was Liberty of Conscience and the Reverend Capuchin Missionaries were allowed to remain in their new house or

take passage to France as they should elect. According to Father Ignace, there were at Port Royal in 1654, Father Yvo of Paris, Brother John of Troyes and Brother Francis Mary of Paris. Father Ignace says that when the English took Port Royal in 1654, they banished these missionaries. He also states that these two brothers, John and Francis Mary, were then residing at Port Royal to assist the Missionaries and the Seminary for Abenaki Converts.

At Fort St. Peter, in the district of Penobscot, was Father Bernardin de Crepy. Father Ignace says that the English took him to England in 1654.

At St. Peters Settlement, were Canceau, Father Augustin de Pontoise, Brother Felix of Rheims, Brother Elzear of St. Florentin. Ignace states that in 1655, these priests were compelled, under stress of destitution, to return to France. He also states that Brother Elzear spent nine or ten full years at Pentagoet, was familiar with the Abenaki language, and had made converts.

Ignace also states that Father Balthazar of Paris, laboured at Nepisiquit from 1648 to 1654 in which latter year he returned to France, to warn the Fathers of the Province of Paris that more help was needed for the Mission. He returned to Acadia with another Missionary in 1656. He also states that Balthazar had converted more Abenaki than all the other Missionaries, as many as twenty families.

At Port Royal Father Ignace states that LeBorgne in 1652 was imprisoned for five months and then banished from Port Royal, Father Cosma de Montes, and Gabriel de Joinville, two Capuchin

Missionaries, also Madame de Brice d' Anserre, an elderly lady who was Directress of the Seminary for the Abenakis, and in particular of the daughters of the late Viceroy D'Aulnay. They seem to have been imprisoned on board his ships.

In consequence of this, two other Missionaries, Father Pascal d'Annerre, and Brother Ignatius of Paris, Brother Dedacus of Liesse, and Brother Felix of Troyes withdrew from the district, being unwilling to hold any communication with those impious and sacriligious Christians; and also with the intention of vindicating in France the innocence of the oppressed.

Ignace also states that Brother Dedacus of Liesse had been fifteen years in the Mission. This would put his arrival about the year 1637.

It is much to be regretted that there is not sufficient data available, to make a complete record of the Missionaries who labored in Acadia from 1604 to the time when Acadia became an English possession. In 1688, two Brothers of the name of Bigot, Vincent and James, were Missionaries among the Abenaki at Penobsquit. In 1687, Petit was Rector of Port Royal, and in 1690, Father Trouve was also stationed at Port Royal. In 1696, Father Simon was Missionary at Aukpaque, the Indian settlement above the Nashwaak, and brought 36 warriors of his mission to assist in the defence of Fort Nashwaak against the attacks of the English under Colonel Church. At this time, Father Thury was Missionary at Penobsquit. The latter died in 1699. Father Mandoux was Priest at Port Royal at the beginning of the 18th century and

afterwards Father Felix Pain. In 1736, there was a small settlement of French on the St. John River and their Missionary Priest was Jean Pierre Danilo.

An interesting discovery was made at Meductic in 1890 by Mr. A. R. Hay of Lower Woodstock. He found a tablet of black slate which had formed part of the old Indian Chapel. It contained an inscription from which we learn that the Church was erected in 1717, and that Jean Louard, a member of the Society of Jesus, was Superintendent of the Mission at Meductic at that time. The most notable Priest in connection with the history of Acadia was La Loutre, who took up his residence latterly in Fort Beausejour. This Fort was taken by the English in 1755, and LaLoutre was carried off to England. It would have been better for his reputation, if La Loutre had been less addicted to politics. When the Fort was captured, he escaped in disguise and arrived at Quebec, after a fatiguing journey through the wilderness. He was not well received by the Governor, and was bitterly reproached by his Bishop for his unclerical conduct. In August he embarked for France, but the vessel was captured by the English and he was kept a prisoner in Elizabeth Castle in the Island of Jersey until the end of the war in 1763. We have no record of the names of the Priests who ministered to the Acadians who lived at Saint Annes and on the North Shore after the deportation of 1755.

Wherever there was a settlement formed, a Priest was sure to be in evidence, but as the people were poor, it was some time before suitable buildings could be erected. It is stated that the first Roman

Catholic Clergyman to hold a service in Saint John, after the arrival of the Loyalists, was the Reverend Charles French. This was in 1813, and the place was City Hall, Market Square. The Roman Catholics began to build a Chapel about this time, and St. Malachi's was opened on the corner of Sydney and Leinster Streets, by Father French on the 1st of October, 1815.

Among the Priests who succeeded him in that place were Father McQuade and Fathers Macmahon, Carrol and Dunphy. As the Roman Catholics of the City increased in numbers and means, the Diocese of St. John was founded, and Bishop Connolly took measures for the erection of the stately Cathedral on Waterloo Street.

At present there are two Dioceses in the Province of New Brunswick, St. John and Chatham, with two Bishops, and upwards of 120 clergymen. At the last census, taken in 1901, the Roman Catholic population of New Brunswick numbered 125,698, and they predominated in the Counties of Gloucester, Kent and Madawaska, and were more numerous than the adherents of any other church in Northumberland, St. John and Westmorland.



The Congregational Church.

AS the first settlers on the St. John River who came in 1762, were mostly members of the Congregational Churches in New England, it naturally followed that they should set up the same form of worship in their new homes. In 1763, a number of these settlers, Jonathan Burpe, Elisha Nevers, Richard Esty, Daniel Palmer, Jervis Say, Edward Coye, and Jonathan Smith, drew up and signed their names to what is called "a Church Covenant," in which they expressed their adherence to the principles of Religion contained in the Shorter Catechism of the Westminster Assembly of Divines, and also of the New England Confession of Faith, and expressed their intention, as respecting church discipline, to adhere to the method contained in the platform agreed upon by the Synod at Cambridge, New England, in the year 1648. Jonathan Burpe, whose name heads the list of these signers of the Church Covenant, was the Deacon of the church, and at the head of all church movements in Maugerville, up to the time of his death in June, 1781. Deacon Burpee was the ancestor of the late Isaac Burpee, who was Minister of Customs in the Government of the Hon. Alexander McKenzie.

For the first ten years of its existence the Maugerville church had no settled Minister, but the-

settlement was frequently visited by clergymen, and, in their absence, the public worship of God was kept up by the Deacons and Elders on the Sabbath, by praying and reading sermons, and by singing.

In 1769 the Rev. Thomas Wood who was for ten years Dr. Brenton's assistant in St. Paul's Church, Halifax, made a missionary tour on the St. John River. On the 2nd July he conducted service and preached to the English families at the mouth of the river, and baptized four children. On the following Sunday, July 9th, he had service at Mauderville, to more than two hundred persons. He stated in his report to the Society for Propagating the Gospel, that owing to the fact that the congregation was composed chiefly of Dissenters from New England, and had a Dissenting Minister among them, only two baptisms took place, but, he added, "if a prudent Missionary could be settled among them I believe all their prejudice against our forms of worship would banish."

In 1770 David Burpe, then a young man of 18, kept a diary in which he briefly noted down the principal occurrences of his life from day to day. From that we learn that Mr. Zephaniah Briggs was preaching in Mauderville, from May to August of that year. Mr. Briggs was, doubtless, a Congregationalist Minister from New England. Services were conducted by him at private houses, at Mr. Palmer's, Mr. Barker's, Mr. Smith's, Mr. Quinton's, Mr. Never's, Mr. Anderson's and Mr. Burpe's.

The promise made by the members in the Church Covenant, to discharge the duty of

“Brotherly watchfulness toward each other” seems to have been religiously observed in Maugerville. A great many entries in the early records of the Maugerville church are devoted to matters of discipline. A few examples will suffice to illustrate this :

“August the 29th day, 1773. Then the Church appointed a meeting to be held at the house of Mr. Moses Pickard on the 7th day of September, and chose Mr. Richard Estey, Daniel Palmer and Humphrey Pickard, a committee to talk with Israel Kenny concerning his being charged with scandalous sins.

“September the 7th day, 1773. The Church met at the house of Mr. Moses Pickard to see if they could be satisfied concerning the crimes alleged against our brother, Israel Kenny, but had no satisfaction. The meeting was adjourned to the 22nd day of September.

“The Church met together on the adjournment of the meeting on the 22nd day of September, 1773. Then Israel Kenny made his acknowledgement before the Church for his offence, and was restored to their charity again.

“On the 22nd of September, 1773, brother Benjamin Brown then having things laid to his charge before the Church, which caused him to be suspended till they were satisfied.

“March the 15th day, 1774. Then the church being met together at a legal meeting, our brother Benjamin Brown confessed his faults and was restored to their charity again.”

It may be of interest to note that Israel Kenny, who acknowledged himself before the church in September, 1773, as guilty of "scandalous sins" was elected a ruling elder of the Church in June, 1775.

The year 1774 was a very important one for the Maugerville Church, for it gave them their first settled minister, Rev. Seth Noble, a person whose acquaintance the Halifax authorities were anxious to cultivate three years later. I transcribe from the faded page, written by Daniel Palmer, Church Clerk, the minutes relating to Mr. Noble's selection and call.

"At a meeting held by the subscribers to a bond for the support of the preached Gospel, among us, at the house of Mr. Hugh Quinton inholden on Wednesday, ye 15th of June, 1774. Firstly, chose Jacob Barker, Esq. Moderator in said meeting.

2ly, gave Mr. Seth Noble a call to settle in the work of the ministry among us.

3ly, to give Mr. Seth Noble as a settlement, providing he accept of the call, one hundred and twenty pounds currency.

4ly, voted to give Mr. Seth Noble a yearly salary of sixty-five pounds currency, so long as he shall continue our minister to be in cash or furs or grain at cash price.

5ly, Chose Esqrs. Jacob Barker, Phinehas Nevers, Israel Perley, Deacon Jonathan Burpe, and Messrs. Hugh Quinton, Daniel Palmer, Moses Coburn, Moses Pickard, a committee to treat with Seth Noble.

6ly, Adjourned the meeting to be held at the house of Mr. Hugh Quinton on Wednesday, ye

29th instant, at four of the clock in the afternoon, to hear the report of the committee.

Met on the adjournment on Wednesday, ye 29th of June, 1774, and voted as an addition to the salary of Mr. Seth Noble, if he should accept our call, to cut and haul twenty-five cords of wood to his house yearly, so long as he shall continue to be our Minister. The meeting dissolved."

These terms were very liberal, considering the time and the circumstances of the people, and Parson Noble accepted them. In addition to his settlement money and salary, there was also for him in prospect, the grant of one of the Manguerville lots, reserved for the first settled minister of the place, but for certain excellent reasons, to be hereafter stated, the lot did not go to Mr. Noble, but to a minister of the Church of England. In 1775, the people of Manguerville were busy erecting a meeting house, which was also to serve as a residence for their pastor. In January, 1776, it was so far advanced that it was being clapboarded, for in David Burpe's account book, under that date, is a charge against the meeting house for work done by Messrs. Plummer and Bridges, for him, at clapboarding one-third of the east end. All would have been well with Parson Noble and his flock, if he had been content to attend strictly to their religious welfare. But Noble was from New England, where the clergy had always been accustomed to exercise a large share of authority in secular affairs, and he was also what some people in New England called a "patriot" and the majority of those in Nova Scotia a "rebel."

Noble began to stir up his flock to join with their friends in New England, in throwing off the authority of Great Britain. He wrote a letter to General Washington setting forth the great importance of the capture of Western Nova Scotia, and proposing to assist in such an enterprise if it should be undertaken. At length, on the 24th of May, 1776, a meeting of the inhabitants of the River St. John was held at Maugerville, at which a committee was appointed "to make immediate application to the Congress or General Assembly of the Massachusetts Bay, for relief under their present distressed circumstances." This rebel committee consisted of twelve persons, ten of whom were prominent in the church. Jacob Barker, who presided at the meeting, was a Justice of the Peace and a ruling elder of the church. Phineas Nevers and Israel Perley were also justices, and both were church members. Daniel Palmer, Edward Coye, Israel Kinney and Asa Perley were ruling elders. Moses Pickard, Thomas Hartt and Hugh Quinton were church members. The two remaining members of the committee, Asa Kimbal and Oliver Perley were probably church members also, but I have not been able to establish that fact. Without them, the connection between the church and the rebel movement is sufficiently clear.

This committee drafted several resolutions which were passed by the meeting, the most important of which was "that it is our minds and desire, to submit ourselves to the Government of Massachusetts Bay, and that we are ready with our lives and fortunes to share with them the event of the present

struggle for Liberty, however God in his Providence may order it." The meeting also voted "that we will have no dealings or connection with any person or persons for the future that shall refuse to enter into the foregoing or similar resolutions." Under this threat these resolutions were hawked around the country with a result which is thus stated by the rebel committee: "If it be asked what proportion of the people signed the resolutions, it may be answered there is 125 signed and about 12 or 13 that have not, 9 of whom are at the river's mouth." I make up the roll of honor of those who refused to sign as follows: William Hazen, Thomas Jenkins, James Simonds, Samuel Peabody, John Bradley, James White, William McKeene, Zebedee Ring, Peter Smith, Gervas Say, Lewis Mitchell, ——— Darling, John Crabtree, John Hendrick, Zebulon Estey, John Parlee, Joseph Howland, Thomas Jones, and Benj. Atherton.

Parson Noble joined with Allan in the expeditions from Maugerville for the purpose of carrying Fort Cumberland, and afterwards had to fly to Maine to escape the consequence of his rebellious conduct. He never returned, and there is no record of any other Minister having taken his place, but in 1784, he had the assurance to write to the Maugerville people and claim his salary for the seven years that he had been absent. The Maugerville church replied to his letter by utterly refusing to recognize any claim on his part against them. They also declined to remove to Maine, which he had urged them to do. In regard to this matter they say:

"But with regard to the growth of immorality in this place, we acknowledge and lament it, and the gloomy prospect we have of future generations growing up in the utmost dissipation fills us with grief and discontent, and we would willingly forego many of the conveniences of life for the sake of better company or to see religion flourish here, as it once did. But are we to throw away the fruits of many years of painful industry and leave (with precipitation) the place where God in His Providence had smiled upon us, both in our spiritual and temporal affairs and, destitute of support, cast ourselves into a place where the necessities of life are hardly to be obtained, unless we could find a place where vice and immorality did not thrive, or at least where vital piety did flourish more than here."

These who are familiar with early New England history, will recognize here the same old cant, about the degeneracy of the times which caused Hubbard, the Puritan historian, to say that the golden age in Massachusetts only lasted ten years. Yet in 1635, the first grand jury in Massachusetts presented one hundred offences, and this in a population of not more than three thousand persons. The same ratio of crime would give New Brunswick more than 10,000 indictable offences annually. And, in 1637, the Synod that was called to settle the religious dispute in Massachusetts, which threatened to wreck the Commonwealth, found that there were eighty erroneous opinions which had become disseminated in New England.

On the first of June, 1788, two Missionaries, Messrs. James and Milton arrived from England.

They had been sent out by the Countess of Huntington, and were warmly welcomed. The people of Maugerville made provision for their board and lodgings at once, until the following June, and at that date, the Rev. Mr. James became their settled minister. The ministry of Mr. James closed in 1791. The cause of his removal from the Maugerville congregation, is rather obscure, but he appears afterwards to have gone over to the Church of England. In 1794, Mr. Boyd was preaching at Maugerville, and his Ministry seems to have lasted until 1797. Then there is a gap in the church records until 1805, and another gap between that and 1811, when a Mr. Eastman was preaching at Maugerville. In 1814 the Maugerville people were applying to the London Missionary Society for a minister, but this application does not appear to have been successful.

In 1819, they extended a call to the Rev. James Thompson, of Miramichi, but nothing came of it. At length after one or two other failures to secure a suitable minister, application was made to Scotland, and the Reverend Archibald McCallum was sent out. He seems to have arrived at Maugerville in the latter part of 1820 or the beginning of 1821. He was living in the County of Sunbury as late as the year 1842. At that time the Rev. James B. Ambler was settled in the City of St. John as a Colonial Missionary, in connection with the Congregational Union of England and Wales. The Congregationalists have never had more than two or three ministers at once in this Province. In 1855, the Rev. Charles McKay was Minister of St.

John, the Rev. Thomas Lightbody, Minister at Sheffield, the Rev. Mr. McCallum, Minister at Cardigan, and the Rev. George Stirling, Minister at Keswick Ridge. At present the only Congregationalist Ministers settled in the Province are at Keswick Ridge and St. John. At the last census the number of Congregationalists in New Brunswick was 1040 and they were mostly in Charlotte, St. John, and York. There were only 67 Congregationalists in Sunbury-Queens where the Congregationalist Church had its origin in this Province.





HON. J. R. FLEMING, P.A.
FORMER SECRETARY



HON. JOHN MORRISSEY
CHIEF COMMISSIONER



HON. W. C. GRIMMER
SURVEYOR GENERAL



HON. J. D. HAZEN, LL.B.
PREMIER & ATTORNEY GENERAL



HON. H. F. McLEOD
MINISTER GENERAL



HON. D. LADD, M.D.
COMMISSIONER FOR ACQUISITIONS



HON. ROBERT MAXWELL
PRESIDENT OF COUNCIL

Members
OF THE
Government of
New Brunswick
March 1908



HARVEY

THE HAZEN GOVERNMENT.

The Church of England.

THE Church of England had existed in Nova Scotia ever since the Treaty of Utrecht in 1713, by which Acadia was finally ceded to the British Crown. Port Royal was captured by the English under General Nicholson in October, 1710, and on the 10th of that month, according to Nicholson's Journal, was solemnized a day of Thanksgiving, for the success of Her Majesty's Arms. After Divine service, which was performed in the Chapel by the Rev. John Harrison, Chaplain to Commodore Martin, and now left a Chaplain to the Garrison, a sermon was preached by the Rev. Samuel Hesker, Chaplain to Col. Reading's Marines. The Rev. Mr. Harrison was therefore the first Church of England Clergyman to be stationed in Nova Scotia. One of his first official acts was the marriage of Magdelaine Maissonat, one of the original inhabitants, to William Winniette, a French Protestant, one of the captors of Port Royal, and an officer of the Fort. Mr. Harrison was still Chaplain in 1720, and in that year Governor Philipps chose him as one of the first Councillors of the Province. Mr. Harrison was still living at Annapolis in November, 1732, but in the meantime other Chaplains had been appointed. The Rev. Robt. Cuthbert was Chaplain in 1724, but he fell into disgrace for keeping company with Mrs.

Margaret Douglass, wife of Alex. Douglas, contrary to his own promises and advice of the Governor.

After Mr. Cuthbert, the Rev. Richard Watts was Chaplain to the Garrison. After the settlement of Halifax in 1749, services were conducted by two clergymen who were sent out by the Society for the Propagation of the Gospel, the Rev. William Tutty, and the Rev. William Anwell, the latter of whom shortly died. It is unnecessary to follow the succession of Ministers of the Church in Nova Scotia which had become strong before the separation of New Brunswick from Nova Scotia or the coming of the Loyalists.

The first missionary work done in New Brunswick by any Church of England clergyman was that of the Rev. Thomas Wood, who, in 1769, made a Missionary tour through it, and conducted services at St. John Harbor, Gagetown, Burton and Maugerville. In 1783, the time of the arrival of the Loyalists, the Rev. John Beardsley was the first missionary at St. John and the Rev. John Sayre was missionary at Maugerville. Mr. Beardsley went to Maugerville as successor to Mr. Sayre who died at Burton, on the 5th of August, 1784.

Mr. Beardsley was succeeded in St. John by the Rev. Dr. Cook who arrived there on the 2nd of September, 1785. Prior to that time a building 36x28 feet had been purchased for a church, but owing to the lack of money and other causes, it was in an unfinished state. This building was used as a church until 1791, when old Trinity Church was opened. Dr. Cook in addition to his regular pastoral work, visited St. Andrews and other parts

of Charlotte county. In 1786, when Fredericton became the seat of Government, he removed to that place. To use his own words, he left "Happy in the reflection that his remitted endeavours to establish the church at St. John, had been so far effectual, that he left his successor in possession of a decent, well furnished church, with a very respectable and well behaved congregation." During his period of labor in St. John, St. Andrews and elsewhere, he baptized 153 persons. Dr. Cooke was succeeded in St. John by the Rev. George Bisset. The latter died on the 3rd of March, 1788, and was succeeded by the Rev. Marther Byles, D.D.

Dr. Cooke arrived at Fredericton in August, 1786, and preached the first Sunday after his arrival to a congregation of sixty or seventy persons in the King's provision store, on Queen street, the only place in which a congregation could be accommodated. In October, 1786, the first Church Warden and Vestry were appointed, but there is no record of their names. The following is the earliest list of church wardens and vestrymen obtainable. They were elected at a meeting of the Parishioners of the Parish of Fredericton, held on the first of April, 1793.

Church Wardens: Jonathan Odell, George Sproule.

Vestrymen: Jacob Ellegood, Harris Wm. Hailes, Garret Clopper, Isaac Hedden, William Fowler, Stephen Jarvis, James Bell, Lewis Dunham, Robert Smith.

Rector: Rev. Dr. Cooke.

Fredericton was at this time very small, and the people, for the most part, very poor. The congregation seldom exceeded 30 persons. On Christmas Day, 1786, Mr. Cooke had only 14 Communicants. Before the conclusion of the year he had baptized 23 white, 3 black infants and one adult; married 5 couples, and buried one person. In 1787, the Imperial Parliament made a grant of £2,000 for the purpose of building churches in New Brunswick, a share of which was allotted to Fredericton. Mr. Cooke accordingly set about the erection of a church, £500 being given towards that object by the Government, and over £150 by Governor Carleton. Little was contributed by the people as they were "very indigent." Owing to this, and other causes, the church was not completed until 1790. In addition to his money donation, Governor Carleton furnished the church in a handsome manner.

Dr. Cooke, in 1790, was appointed Ecclesiastical Commissary to the Bishop of Nova Scotia. He was unfortunately drowned on the night of Saturday, May 23rd, 1795, while crossing the St. John River from Fredericton to his residence on the opposite side, owing to the upsetting of his canoe. Dr. Cooke was then in the 72nd year of his age. His son, Mr. Michael Cooke, was drowned at the same time. Dr. Cooke was succeeded, as Rector of Fredericton, by the Rev. George Pigeon, and he continued in that position until 1814, when he succeeded the Rev. Dr. Byles at St. John.

The first Rector of St. Andrews was the Rev. Samuel Andrews, who arrived there in 1786. Two years later a church 52x40 feet was built with the

Government allowance of £500 and opened on St. Andrews Day. The first meeting of the Vestry for the Parish of St. Andrews was held on the 2nd August, 1786. At this meeting there were present : — The Rev. Samuel Andrews, Missionary ; Thomas Wyer, Joseph Garnett, Church Wardens ; Mr. John Hall, Mr. Maurice Salts, Mr. John Dunn, Mr. James Pendlebury, and Mr. John Bently, Vestrymen ; Joseph Garnett, Clerk.

Mr. Andrews continued Rector of St. Andrews until the 26th September, 1818, when he died, at the advanced age of 82. He was succeeded by the Rev. Jerome Alley, D. D., who was Rector of St. Andrews for nearly 40 years and died there August 5th, 1861, aged 77 years.

The first Rector of Kingston, was the Rev. James Scovil, where he took up his residence in June, 1788. At this time he had 220 families in his mission. A church, called Trinity Church, was built in 1789, the Government contributing £500 towards the object. Mr. Scovil did not confine his labors to Kingston alone, but visited, at different times, the adjacent parishes of Westfield and Springfield. He died at Kingston, December 19th, 1808, in the 76th year of his age and 50th of his ministry. His son, the Rev. Elias Scovil, succeeded him as rector, and died on the 10th February, 1841, in the 70th year of his age and 40th of his ministry.

The first Rector of Gagetown was the Rev. Richard Clarke. In May, 1786, he landed at St. John and when he reached his post, he found that the people were very poor and standing in need of

every assistance. In 1786, he brought his family to New Brunswick and entered on the work of his ministry. During the year ending midsummer, 1788, he baptized 70 infants and 2 adults, buried 5 persons and married 3 couples. A church and school were built at Gagetown in 1790. In 1795 Mr. Clarke's mission embraced four parishes, Gagetown, Waterborough, Hampstead and Wickham. He was Rector of Gagetown for twenty-five years. During his residence there, the Rectory caught fire and was burnt. Miss Clarke, the rector's elder daughter, Miss Mary Hubbard, and a grandson of the rector, perished in the flames. This grievous calamity had such an effect on Mr. Clarke that he resigned the rectorship and went to St. Stephen, of which place he was rector for 13 years and died in 1824, in the 87th year of his age and the 57th of his ministry. He was succeeded at Gagetown by his son, the Rev. Samuel R. Clarke who died there in August, 1841, aged 69 years.

In 1790 there were six clergymen holding Rectories in the Province, viz.: at St. Andrews Mauderville, St. John, Gagetown, Fredericton and Kingston. In 1794, there were ten clergymen, Sussexvale, Woodstock, Belleisle and Nashwaak having been added to the list. The first Rector of Sussex was the Rev. Oliver Arnold, who went there in 1793. Mr. Arnold, besides being Rector, had charge of the Indian school there. He lived to the age of seventy-nine years, and died in 1834. He was succeeded by his son, the Rev. Horatio Nelson Arnold, who had previously been his assistant.

The first Rector of Woodstock was the Rev. Frederick Dibblee, who was ordained in the year 1791. Mr. Dibblee was appointed first Missionary to all the settlers living on the River St. John above St. Mary's and Kingsclear. The great extent of his mission, embracing the four parishes of Prince William, Queensbury, Woodstock and Northampton, made his work arduous and difficult. The people were few in number and scattered over an area of 150 miles. Mr. Dibblee continued Rector of Woodstock until May 16th, 1826. He lived to the age of seventy-three years.

In 1815, there were only nine Church of England Clergymen in the Province the Missions at Belleisle and the Nashwaak being discontinued and one at St. Stephen being added. In 1820, there were 14 clergymen, one of whom was an assistant at St. John, and Hampton, Grand Lake, Sackville, and Douglas being added. In 1829 the number had arisen to 26, and in 1845 to 32. In this year New Brunswick became a separate Diocese, the Right Rev. John Medley, D.D., having been appointed Bishop. Owing to his labors there was a great increase in the number of clergymen and the Missions of the Church. In 1880, the number of clergymen was 69. One of the best results of Bishop Medley's labor was the great improvement in the architecture of the church buildings. At the present time the number of clergymen in the Province is upwards of 70.

At the last Census there were 41,767 adherents of the Church of England in New Brunswick.

The Presbyterian Church.

ALTHOUGH the territory now included in New Brunswick was a part of Nova Scotia until the year 1784, there was but a slight connection between the Presbyterian Church of Nova Scotia, in the early days, and that of New Brunswick. A considerable number of the inhabitants of Nova Scotia, prior to the time of the Loyalists, came direct from Scotland and founded churches there, while in New Brunswick, among the Loyalists, although there were many Presbyterians, there was no considerable body of them in the country districts sufficient to form congregations. The result was that even in St. John, where there were many Presbyterians, some of them wealthy, there was no Presbyterian Church built, and no settled minister until the year 1817, when the Reverend Dr. Burns became minister of St. Andrew's Church. A few years later, in 1824, the Rev. Alexander McLean was settled as minister at St. Andrews. In the following year, the Glasgow Colonial Society was formed. Its object was to promote the moral and religious interests of the Scottish settlers in British North America. Under the auspices of this Society, ministers connected with the Established Church of Scotland, were sent out to Nova Scotia and New Brunswick as well as to Ontario. Prior to this time, all the Presbyterian

Churches in Nova Scotia had been formed into a Synod of three Presbyteries, numbering nineteen ministers. The name of this body was the Presbyterian Church of Nova Scotia, and it was formed by ministers, nearly all of whom had been connected with the Secession churches. The Church of Scotland had been remarkable for its secessions, which mainly have arisen in consequence of its connection with the Government as an Established Church. The first secession occurred early in the eighteenth century, but in 1747, the Secession Synod in Scotland, divided into two churches which took the name of Burghers and Anti-Burghers. The cause of this split was the differences of opinion respecting the oath required to be taken by Burghers or citizens of corporate towns. One party understood the oath as simply an abjuration of Romanism, and not a recognition of the Church of Scotland. The opposite party regarded the oath as an approval of the Church of Scotland. Then there was another body called the Reformed Presbyterians or Covenantors, who abjured all connection with the Government, even to the extent of refusing to vote at elections.

The Synod of Nova Scotia objected to the Glasgow Colonial Society sending out ministers connected with the Established Church, and a memorial to this effect was presented to the Society by the Rev. Dr. McCulloch, who had been a minister of a Secession church in Scotland, and had come to Nova Scotia in 1803. The members of the Colonial Society, however, adhered to their own views as to what was right and expedient, and devoted them-

selves with great energy to the collection of funds, and the sending out of Missionaries, both to the Eastern and Western Provinces. Within ten years the Society sent to the British North American Colonies, upwards of forty ordained clergymen of the Church of Scotland. This Society continued in existence for fifteen years. Colonial Missions were afterwards carried on under the superintendence of a committee directly appointed by the General Assembly of the Church of Scotland.

In the beginning of the year 1833, there were in the Province of New Brunswick five ministers of the Church of Scotland. These, considering that it would be of advantage to the Church to form themselves into a Presbytery, met at Fredericton on the 30th of January, of that year, and constituted themselves as the Presbytery of New Brunswick, in connection with the Church of Scotland. A proposal was made to them by the Synod of Nova Scotia, in the same connection, which was organized a few months afterwards, to form one of its Presbyteries, but the proposal was declined. In 1835, when the number of ministers on its roll was doubled, the Presbytery constituted itself as a Synod, divided into the two Presbyteries of St. John and Miramichi. It was a serious hindrance to the progress of the Synod that it had no college for the training of a native ministry. Kings College, in Fredericton, established (1828) by Royal charter, was so much under the control of Episcopalians, and so sectarian in its character, that it was almost useless to the Presbyterian Church. Nor was it easy to sustain in the Province a Presbyterian

college by private contributions. Presbyterian students were therefore compelled to repair to Scotland, or other distant places, in order to be trained in theology. On this account, and also on account of the small number of missionaries who came to the Province, the Synod had but a scanty supply of laborers for the growing congregations and stations, which might look to it for the ordinances of religion. During the ten years after the Synod was organized, the number of its ministers was increased only from ten to thirteen.

In 1842, the year before the disruption in Scotland, the Synod of New Brunswick of the Established Church of Scotland, comprised two Presbyteries, the Presbytery of St. John and the Presbytery of Miramichi. The former included eight churches and nine clergymen, the latter nine churches and the same number of clergymen. The following is a list of them :

ESTABLISHED CHURCH OF SCOTLAND.

SYNOD OF NEW BRUNSWICK.

Moderator—Rev. Robert Wilson, A.M., St. John.

Clerk—Rev. John Birkmyre, D.D., Fredericton.

PRESBYTERY OF ST. JOHN.

City of St. John—St. Andrew's Church—Rev. Robert Wilson, A.M. St. Stephen's Church—Rev. W. T. Wishart.

Fredericton—Rev. John Birkmyre, D.D.

St. Andrews—Rev. Alexander McLean.

St. Patrick's—Rev. John Cassils.

St. James — Rev. John Reid.
Sussexvale and Springfield — Rev. A. Stevens.
Moncton, Salisbury, and Shediac — Rev. William
Henderson, A.M.
Richmond — (vacant).
St. George — (vacant).
Licentiate of the Church, resident in St. John —
Rev. J. G. Macgregor.

PRESBYTERY OF MIRAMICHI.

Newcastle — Rev. James Souter, A.M.
Chatham — Rev. Robert Archibald.
Richibucto — Rev. James Hannay.
South West Miramichi — Rev. James Turnbull.
Restigouche — Rev. James Steven.
New Richmond — Rev. John M. Brooke.
Bathurst — Rev. George M'Donnell.
Tabusintac — Rev. J. McBean.
Glenelg — Rev. Simon Fraser.

There were two other Presbyterian clergymen in the Province, the Reverend Alex. McLeod Stavely, whose church was at St. John, and the Reverend John McCurdy, Minister of Chatham, a member of the Presbyterian Church of Nova Scotia. The name of this clergyman recalls a very good story in connection with the introduction of instrumental music into the Presbyterian Church. The Reverend John McCurdy's Presbytery was stationed in Pictou, Nova Scotia, so that he was to a large extent free from the influence of the other members of the Presbytery. Being a man of taste, and thinking that the services of his church might be improved

thereby, he introduced a small organ into his church, the first, it is understood, that was in any Presbyterian Church in New Brunswick.

His brethren of the Pictou Presbytery heard of this, and determined to put an end to it. At that time instrumental music was not favored by the Presbyterian Church, unless it might be "David's harp" which was not available for use in New Brunswick. It was resolved to call a meeting of the Presbytery at Chatham, and Reverend members embarked at Pictou for that purpose. At that time the steamer from Pictou called at Chatham, went up to Newcastle, discharged its freight there and returned to Chatham in the course of a few hours, going immediately back to Pictou. The ministers of the Pictou Presbytery convened the meeting at Chatham as soon as the steamer arrived, and imagined they would have plenty of time to do the business required, and return in the steamer when she got back from Newcastle. The charge was brought up and Mr. McCurdy was on the point of being condemned for his action in regard to the organ, when he suggested that he ought to be heard in his own defence before being so dealt with. He took up the subject in so thorough a manner that the steamer had got back from Newcastle to Chatham before he was done speaking and the members of the Pictou Presbytery had to gather up their coats and hats in a great hurry, to get to the steamer without having done anything to suppress the organ.

In 1843 the Church of Scotland was rent in twain by what is called the Disruption, which had

its origin in the patronage question, the same difficulty which had caused former secessions from the church. As patronage did not exist in New Brunswick, it might have been supposed that the Disruption would have had no effect on the church of this Province, but the extreme zeal of the Free Church party would not admit of the Presbyterian Church in New Brunswick remaining undisturbed. Delegates were sent out by the Free Church of Scotland to the British North America Provinces for the purpose of breaking up the Established Churches here, and they did their work so well that, in 1844, three of the members of the Established Church deserted it, and formed themselves into a Presbytery under the title of the Free Church of Scotland. These deserters were the Rev. John Turnbull, of the Presbytery of Miramichi, and Rev. Andrew Stevens, and Rev. Andrew Donald of the Presbytery of St. John, and they were afterwards joined by the Rev. J. G. McGregor. The result of this movement was very disastrous to the interest of Presbyterianism in New Brunswick, for in 1849 there were only fourteen settled ministers of the Presbyterian Church in New Brunswick, eight belonging to the Established Church, and six to the Free Church.

In 1855, the number of ministers of the Church of Scotland was nine in the two Presbyteries, and of the Free Church, fifteen, divided into three Presbyteries, St. John, St. Stephen and Miramichi. In 1861 the Church of Scotland had thirteen ministers and the Free Church twenty-four. About this time it was felt that the separation of the

Presbyterian body into two churches, in whose theology there was no difference of opinion, was a mistake and Union began to be thought of. A Union between the Free Church Synod and the Secession Church was consummated in Nova Scotia in 1860, the united body forming themselves into the Synod of the Lower Provinces. In the year 1866 the Synod of the Lower Provinces entered Union with the Synod of the Presbyterian Church of New Brunswick. This is the body which had seceded from the Church of Scotland in 1844. At this time it had eighteen ministers, about one third from the Free Church of Scotland, about one-third from the Presbyterian Church of Ireland, and the others of ministers who had been trained in Divinity Hall, Halifax. The union was consummated in St. David's church, St. John, New Brunswick, on the 2nd of July, 1866. Then and there the two Synods met in their constituted capacity, their respective moderators occupying chairs placed side by side on a common platform, in the presence of a large congregation. After the singing of the One Hundredth Psalm, the minute of the Synod of the Lower Provinces, agreeing to complete the Union was read by the Rev. P. G. McGregor, the clerk of that body. A similar resolution of the Synod of New Brunswick, was read by its clerk, the Rev. James Bennet. The rolls of the two Synods were then called, and the basis of Union, engrossed upon a parchment roll, was read. Dr. James Bayne, the moderator of the Synod of the Lower Provinces, and the Rev. James Gray, moderator of the Synod of New Brunswick, then subscribed the basis, and

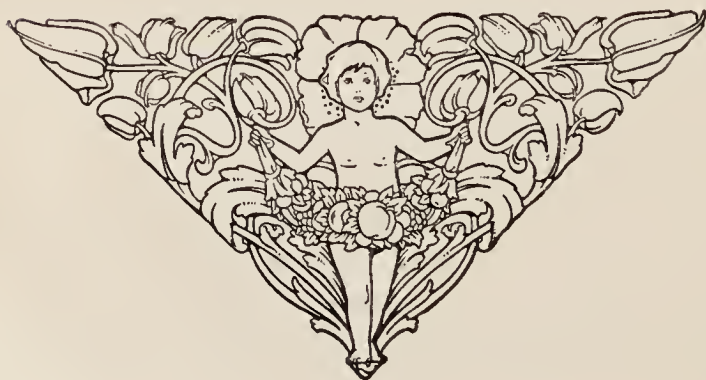
declared the two Synods to be now merged into one, to be known by the designation of the Presbyterian church of the Lower Provinces of British North America. The moderators then gave each other the right hand of fellowship, in which action they were followed by the ministers and elders present, while the congregation joined in singing the One Hundred and Thirty-Third Psalm, which describes how good and pleasant it is for brethren to dwell together in unity. On the roll of the united Synod, which was divided into seven Presbyteries, were the names of one hundred and thirteen ministers, of whom eighteen had been members of the Synod of New Brunswick, and ninety-five of the Synod of the Lower Provinces.

On July 1st, 1868, a union was consummated between the two Synods in connection with the Church of Scotland in the Maritime Provinces, the Synod of New Brunswick and the Synod of Nova Scotia. The united bodies assumed the name of the Synod of the Presbyterian Church of the Maritime Provinces in connection with the Church Scotland. The Synod was divided into five Presbyteries, on the rolls of which there were the names of 29 ministers and four missionaries; there were 16 ministers in Nova Scotia, two ministers and three missionaries in Prince Edward Island, and 11 ministers and one missionary in New Brunswick. The next Union in order was one of all the Presbyterian Churches in Canada. This was brought about on the 15th June, 1875, with appropriate ceremonies. On the roll of the Assembly thus created by this Union, there were

altogether the names of 623 ministers. At the present time there are upwards of 60 ministers in New Brunswick of the Presbyterian Church, forming a part of the Synod of the Maritime Provinces.

In the year 1835 a serious situation arose in connection with the arrival of a minister from Scotland, who was sent out by the Colonial Church Society. It appears that this young man, whose name was the Rev. David Syme, was paying attention to a young woman in Glasgow, who became very much attached to him. When she discovered that he was coming out to America she dressed herself in boy's clothes and took passage in the same vessel. This presented a very great difficulty to the young divine, for, naturally, his inclination would be to shield her from any remarks to her prejudice. When she arrived in St. John he introduced her to some persons who met him, as Mr. Miller, and procured board for her at a boarding house. After a time she removed from that place and appeared in her proper character as a young woman. Mr. Syme still continued to keep her under his protection and finally married her. The Rev. Robert Wilson, Minister of St. Andrew's Church, became aware of the circumstances of the case, and had Mr. Syme brought up before the Presbytery and suspended. At this very time he had received a call from the Church at Sussex. The Presbytery showed a decided animus against the unfortunate minister, and Mr. Wilson went so far, for the purpose of procuring evidence against him, as to open a letter which his wife had addressed to him, and which

had fallen into his hands. Mr. Syme, however, was not without friends who stuck by him and a war of pamphlets ensued. Dr. William Livingstone wrote an appeal to the Presbyterians of New Brunswick on the trial and suspension of the Rev. David Syme, and the Rev. Robert Wilson wrote a pamphlet to which Dr. Livingstone responded with a second pamphlet, in which he handled the Rev. Robert Wilson very severely. The result of this controversy was very unfavorable to the minister of St. Andrews Church, who in the year 1842 resigned his charge and went back to Scotland. Here he joined the Free Church, and was sent by that body to one of the most remote islands in the Hebrides, North Ronaldsy, where there was already an Established church and a population of only 481.



The Baptist Church.

THE first Baptist Church in the territory which is now included in the Province of New Brunswick, was founded at Sackville, by the Rev. Nathan Mason. This church was organized in 1763, in Massachusetts, for the purpose of ministering to those of that faith emigrating to Nova Scotia. The names of the members of this church were Benjamin Mason, Charles Seaman, Thomas Lewis, Gilbert Seaman and Oliver Mason, with their wives, and a woman by the name of Experience Baker. The members of this church, and their pastor, the Rev. Nathan Mason, left Sackville and returned to New England in 1771, leaving but little trace of their doctrines behind them. The Baptists of New Brunswick, as well as those of Nova Scotia, trace the origin of their church to Henry Alline, an Evangelist of the most advanced type, who, strange to say, was not a Baptist, and seemed to have cared nothing at all as to the form of baptism. Alline in 1760, when he was ten years old, emigrated with his parents from Connecticut to Falmouth, in Nova Scotia. He was converted when he was 27 years of age, and at once began to preach throughout the Maritime Provinces. There never was an Evangelist consumed with a greater amount of religious zeal than Alline. His ministry lasted for about eight years, from 1776 to 1784 and then he died, worn out in the 36th year of his age.

The Rev. D. M. Saunders in his History of the Baptists says: "This perfervid evangelist had not the constitutional strength to endure this great strain on his physical powers. The hectic flush soon appeared on his cheek. His cough, generated by repeated colds and exposure, became more and more alarming; but his courage, zeal, and self-sacrifice waned not. From the day that he preached his first sermon in Falmouth, until eight years afterwards, when he delivered his last message from his dying bed at the house of Rev. Mr. McClure, at Northampton, New Hampshire, he ceased not to call sinners to repentance. In those eight years, besides preaching continually when at home in Falmouth, Newport, Horton, and Cornwallis, he travelled seven times over Annapolis county, preaching day and night. Then followed a journey through Cumberland and places along the Petitcodiac river. Another visit to Annapolis county was extended, and took in Yarmouth, Barrington, Cape Sable, Ragged Islands, Port LaTour, Liverpool, Milton, Port Medway. Then away he rushed up the St. John river, and on his return visited places in eastern New Brunswick, Cumberland, Prince Edward Island, Truro, Onslow, and Londonderry. Following this was another journey through Annapolis, Yarmouth, Liverpool, Petite Riviere, Lunenburg, and Halifax.

From first to last, Henry Alline's zeal was intense. He seemed utterly indifferent to his surroundings. Before his fiery zeal, mountains of difficulty melted to level plains. Hardships and opposition of men were alike matters of indifference to this ubiquitous

Newlight. The holy passion to save souls consumed him, and blinded him to all obstacles. He seemed to fly over the country. Where he found no bridle path he dismounted, and, both in summer and winter, either threaded his way through forests or along sea-shores, or risked the peril of the sea in schooners or open boats."

With regard to Alline's views on the question of baptism, the following extract from one of his his letters is interesting :

"Being requested, I attended a meeting of some Baptists in Horton, to advise about gathering a church there. O, may the time come when Ephraim shall no more vex Judah, not Judah envy Ephraim, and that there might never more be any dispute about such non-essentials as water-baptism, the sprinkling of infants or baptizing of adults, by immersion; but every one enjoy liberty of conscience. They gathered in church order and made choice of one Mr. Pierson, who was not endowed with a great gift in the Word, for their elder; intending to put him forward, until God gave them some better one, or brought him out more into the liberty of the gospel, after which he was ordained."

Among the converts of Henry Alline, was Edward Manning, who may be regarded as the Father of the Baptist Church in the Maritime Provinces. Edward Manning seems to have adopted baptism by immersion in 1798 or 1799.

The first Baptist association for New Brunswick and Nova Scotia, met in Sackville in 1810. Sackville was represented by Elders Jos. Crandall and

Jonathan Cole, and by Messrs. Wm. Lawrence and Jos. Read. There were twenty-two elders and missionaries present, representing fourteen churches. Among the representatives were Fathers Murray and Harding, and Peter Crandall, Nathan Cleveland and Elijah Estabrooks. A letter published in August, 1810, by Rev. David Merrill in the American Baptist Magazine, reports his visit to the Association, in Sackville, as a member of the Lincoln Association, Maine. He is jubilant with hope for the new work, and exclaims in triumph, "Babylon appears to be in full retreat."

Joseph Crandall was preaching on the St. John River in the year 1800, and in his journal he gives the following account of his work :

"I remained on the river above Fredericton preaching and immersing believers, proceeding as far as Woodstock. About the last of May I came down the river to Waterborough. The lowlands were all inundated and I could not see how the Lord's work could be carried on just then, as the people could not attend the meetings. Then I began to think it was about time for me to return home. We landed at Brother Marster's, and soon the boats came, loaded with anxious enquirers asking about the reformation up the river ; for they had heard about such numbers being immersed that many of them had been led to read their Bibles and were purposed to yield obedience to the Lord's commands. In that house, an hour or two after my arrival, the Lord's work commenced and a number rejoiced in the Lord. It was wonderful to see the aged, the

middle-aged and the youths relating in the language of Holy Scripture, what the Lord had done for their souls. Elijah Estabrooks, a holy man of God, their leader, led the way and the whole society followed in the holy ordinance of immersion. At the second Conference many related their experience. An aged man arose from his seat, Esquire Estey, a New England Congregationalist, rooted and grounded in the old Puritan practice of infant sprinkling. He was a man much beloved. He said to me, 'I see you are going to break up our church.' I said to him, 'Sir, if your church is built on Christ, the gates of hell cannot prevail against it.' He said, 'Do you not call us a Church of Christ?' I said to him, 'I consider you are a company of pious Christians, but not walking in the order of the gospel as commanded by Christ.' He arose, took up his hat and went out, saying as he went, 'My parents gave me up to the Lord in infancy, and from that I will not depart.'

"As he was passing out I said to him, 'Squire, I have one word to say to you: The Scribes and the Pharisees rejected the counsel of the Lord against themselves, not being immersed.'

"Next morning being Lord's Day, we met at the water side at nine o'clock. There was a great host of people assembled to see the effect of the new religion, and, to my great surprise, the old gentleman, who was determined never to depart from his infant sprinkling, was the first to yield obedience to the commands of Christ. Such a day of the Lord's power was rarely witnessed on earth. There were about eighty immersed at that time. This

meeting did not break up till after the sun had gone down."

Edward Manning made his first visit to St John City as early as 1805. At that time there was no Baptist place of worship, or Baptist family in the city. After Mr. Manning, came Mr. Crandall, but it was not until 1810 that the first church was organized, which consisted of seven men and five women. The first minister of this church was Elder Merrill. Three years after the organization of this church Edmund Reis, a native of France, became its pastor. In 1812 there were twenty-seven members in this church, and in 1820 sixty-one members. In 1816 a lot on the corner of Germain and Queen streets was purchased, and on it was erected a church building, sufficient in size to accommodate the congregation. In 1827 there were in New Brunswick twenty-eight Baptist churches, fifteen ordained ministers and 1347 members.

In 1840 there were forty-six churches, twenty-one ordained ministers, and 2944 members.

In 1847 the New Brunswick Association was divided into two bodies, the Eastern and Western.

At the last census of New Brunswick, it was found that the Baptists were more numerous than any other Protestant denomination, the total number including the Free Baptists, being 80,874.

The Free Baptist General Conference of New Brunswick was organized at Wakefield in Carleton County, on October 13th, 1882. The organization embraced six churches and two ordained ministers. The churches were located at Wakefield, Carleton

County; Bear Island, York County; Jacksontown, Carleton County; Little River, Queens County; Lincoln, Sunbury County; and Upper Sussex, King's County. The ministers were Elders Samuel Nutt and Charles McMullin.

Besides the elders named, there were present at the organization, brethren W. E. Pennington, a licensed preacher; Samuel Hayden, Jonathan Shaw, Ziba Shaw, William Mallory, Jacob Craig, Ezekiel Sipprell, Elisha Shaw, Nathaniel Shaw, G. R. Boyer, ——— Kinney, ——— Hallet and Elijah Sisson.

The Rev. Joseph McLeod in his sketch of the history of the Baptists in New Brunswick, says:

“The movement which took form in the organization of the denomination, was chiefly a protest against two things—the unspiritual ministry and empty forms of the Church of England, and extreme Calvinism, as held and taught by some of the Baptists of that time. Rev. Edward Weyman, one of the early ministers of the denomination, in his personal records of experiences and happenings, says: ‘Had the first Baptist churches in the Province and their ministers stood where they began, free from the antinomian use of the doctrine of grace, we would not have been a distinct people as we are to day; there would have been no necessity for our denominational existence. In their first labours, they—the Baptists—were blessed in raising up churches; but embracing the highest Calvinistic views, their influence was injured. To their teaching about election, predestination, and a limited atonement, large

numbers in their own churches were unreconciled, and the hearts of many people were closed against them.

“ ‘ Out of these things grew the necessity for a new religious movement. The instrumentalities used were, in the judgment of men, insignificant, even contemptible. But the movement was of God ; the men to lead in it were of His choosing, and He made them successful.’ ”

The Rev. Dr. MacLeod says that the returns made in October, 1901, showed that there were in the Province 156 Free Baptist Churches, with a membership of 12,428. There were forty-nine ordained ministers and nine licentiates. He considers that the census figures which give the Free Baptists of New Brunswick only 12,352, were absurdly wrong, and that a moderate estimate would place the number of Free Baptists in the Province at 36,000. As the Free Baptists are now united with the Calvinistic Baptists, such a mistake as this will not be likely to occur again in any future census.

The great success of the Baptists in the early history of the Province, must, in part, be attributed to the extreme zeal and the fact that many of their ministers and evangelists did not depend on their congregation for support, but lived on their farms and obtained their living from other employments.

About the year 1820, Mr. Edward Manning wrote as follows about the material support received by the Baptist ministers in the Maritime Provinces :

“ Thomas Handly Chipman, of Wilmot, has a farm, labors hard to support his family, and receives from the people about \$150.00 a year.

“ Thomas Ansley, of Granville, left a valuable property in Sussex, N. B. He receives about \$300.00 a year from his Church.

“ Peter Crandall, of Digby Neck, receives \$200.00 a year from his people.

“ Enoch Towner, of Sissiboo, is in low circumstances. He has a small family which is supported mostly by his people.

“ Harris Harding of Yarmouth, is in low circumstances.

“ John Craig, of Ragged Islands, receives a little from his church, but very little. His people are poor.

“ James Manning, of Lower Granville, has a small farm and receives but a small salary.

“ Joseph Crandall, of Sussex, N. B., receives but a small support from his people.

“ Elijah Estabrook, of Waterborough, N. B., has a good farm, a large family, labors hard, and gets but very little from his people.

“ Lathrop Hammond, of Kingsclear, N. B., has a good landed property. He receives but little from his church towards his support.

“ Abadiah Newcomb, of Hopewell, N. B., has a handsome property, and receives \$160.00 a year from his people.

“ T. S. Harding, is in easy circumstances, having received property by his wife. He also has a moderate support from his church.”

The Methodist Church.

THERE was a proportion of Methodists who came to New Brunswick with the Loyalists.

Prior to that, however, there were a number of Methodists in the Chignecto district, who belonged to the early Yorkshire immigration. At first they met quietly at the home of one of their number for their services.

In 1779 religious interest deepened, and a widespread revival began. Meetings were held, followed by encouraging results. Among the new converts was William Black, of Amherst, afterwards Bishop Black. It is recorded that at a quarterly meeting held in 1780, at William Trueman's, William Black received a great blessing, and although only a young man, he took from that time a prominent part in the meetings of the neighborhood. Three young men, Scurr, Wells, and Fawkender, agreed with William Black, to visit in turn each Sabbath, the settlements of Prospect, Fort Lawrence, and Amherst. From 1780 until after the first Methodist Conference of the Maritime Provinces, in 1786, William Black had charge of the Cumberland Circuit, which included from Wallace (then Ramsbag) to Petitcodiac, taking in Bay Verte and Cape Tormentine. In 1782 the membership of the circuit numbered eighty-two. In 1786 the first Conference was held at Halifax.

Shortly before Conference, Mr. Black, with his family, moved to Halifax, leaving in his place at Cumberland, Mr. Grandin, of New Jersey. Mr. Grandin was sent back to Cumberland by the Conference. He was assisted by John Black, of Amherst, brother of William Black. In 1787, Mr. Grandin was removed and his place taken by Mr. James Mann. That year land was bought on which to build a chapel, and in 1788 the first Methodist church in Canada was built at Point de Bute. It stood somewhat back from the road in the present cemetery. The house was of stone, with a roof of thatch.

The Rev. E. M. Saunders, in his history of the Baptists, states that to William Black, came the honor and opportunity of being the pioneer Methodist Missionary.

Mr. Black's gifts were not extraordinary, but he had great force of character, and the talents and tact of a leader and successful organizer. Although overwhelmed with work, he found time to acquire some knowledge of both the Greek and Latin languages. He was most thorough in searching his inner life. He distrusted his best moods. Sin horrified him. He laid his heart open to his brethren in the ministry. It may be safely said that no one of the early ministers was more entirely consecrated to his work than William Black.

The first Methodist Conference was held at Halifax, in October, 1786. John and James Mann, Cromwell, Black, Garretson and Grandin attended it and appointed themselves to the large circuits into which they divided the Maritime Provinces.

They reported 510 members in Nova Scotia. With this auspicious beginning, the Methodists went forward with the zeal and self-sacrifice by which they have ever been characterized. From time to time their staff of laborers was enlarged by ministers from England and the United States.

As the country was so extensive, local preachers were appointed wherever suitable talents appeared. This was a great help in those early days. When the ordained preachers were not present the local preachers conducted the classes and preached the gospel. Mr. Black reported eighty members in the County of Cumberland and adjoining places. He had also formed a class at Windsor.

At the end of the eighteenth century the Methodists were guided by nine devoted and zealous missionaries : William Black, James Lowry, William Bennett, Joshua Marsden, Thomas Olivant, John Mann, Duncan McColl, James Mann and William Grandin. Their membership was eight hundred and seventy-four ; and the estimated number of their adherents was three thousand. The members were distributed as follows : Halifax 160 ; Annapolis, 130 ; Liverpool, 194 ; Shelburne, 102 ; Newport, 75 ; St. John, 113 ; St. Stephen, 80, and Prince Edward Island, 20.

The following account of Methodism in St. John is copied from Cornish's *Cyclopedia of Canada*. It was written by the late Rev. D. D. Currie :

"Among the Loyalists, who, on the 18th of May, in the year 1783, landed on the rugged shore, where now is the Market Slip of the City of St. John, N. B., there was a New Jersey Methodist,

whose name was Stephen Humbert. Through his earnest solicitations, several Methodist ministers visited the growing town in its early years. The first residents of St. John were chiefly adherents of the Church of England. Henry Alline, and a few other non-conformist preachers, came, tarried a brief period, held services, and went on their way. On the 24th September, 1791, Rev. Abraham John Bishop arrived at St. John. On the first Sunday after his arrival he preached. On the first Sabbath in October (1791), he organized a class-meeting in a house owned by a Mr. Kelly, on the corner of Charlotte and Princess streets. This was the beginning of Methodism in St. John.

“In November, 1791, Rev. William Black, then stationed in Halifax, visited St. John. He desired to preach, but the chief magistrate, sometimes called the mayor, threatened him with imprisonment in the county gaol, if he should thus officiate, without first obtaining special permission from the Governor of the Province.

“In the early part of the year 1792 the few Methodists of the town purchased a building on the west side of Germain street, between Duke and Queen streets. This building was used for a number of years as the local City Hall and Court House. In this building the services of the Church of England were held, previous to the completion of Trinity Church in 1791.

“The erection of the Germain street Methodist church was attended with serious difficulties. The adherents of the cause were few ; and those few possessed but limited financial resources. A site

was secured on the north-east corner of Germain and Horsfield streets. In the winter of 1807 the timber for the frame of a church, forty-two feet by sixty-feet, was placed upon the ground. In April of that year Rev. Joshua Marsden held an open-air service, on the site, standing on a small rock in the midst of the frame now ready to be raised. His text was : " Upon this rock I will build my church, and the gates of hell shall not prevail against it." Some of the towns-people of that day laughed at the small band of praying Methodists, for having attempted in that enterprise to do what many thought could never be accomplished.

" The Germain street church was enlarged by the addition to its length of twenty feet, during the incumbency of Rev. Sampson Busby, in 1834. The school-room, about twenty-two by eighty feet, was built at the same time. On the occasion of the Coronation of Queen Victoria, in 1838, this school room was the largest public hall, for social or secular meetings, in St. John. On the day of the Coronation of Victoria, an enthusiastic meeting was held there, with Judge Parker in the chair. Rev. Stephen Banford and other prominent public men of the city, were the speakers of the day.

" For many years that structure was the oldest Methodist church in the Province. Of the various social and religious influences that have gone out from the venerable sanctuary, it is not our purpose, with but a single exception, now to speak.

" After the enlargement of the building in 1834 and during the incumbency of Rev. Enoch Wood, who was appointed to St. John in 1836, the

congregation became too large for the building. The question of the erection of the Centenary Church was discussed. Formidable difficulties were apparent. A Board of Trustees was appointed. Mr. Wood was the leader in the enterprise, and by skilful management and indomitable perseverance, he and his co-laborers succeeded in their work. Mr. Wood purchased three lots of land for the Centenary trustees. He paid two thousand dollars for three lots. Mr. John B. Gaynor paid six hundred dollars for a fourth lot, and gave the lot as a free donation for the purposes of the church. Those four lots constituted the site on which the Centenary Church subsequently was built.

“In August, 1839, the Centenary Church was dedicated. In several respects it proved to be an eminently successful church enterprise. On the memorable 20th of June, 1877, the old Germain Street sanctuary perished in the devouring flames, and during the succeeding night, some nine or ten hours later, the Centenary passed away ‘in the fiery storm.’ ”

There are now in New Brunswick according to the census of 1901, 35,973 adherents of the Methodist Church, which is a slight increase over the figures of 1891. The Methodists are most numerous in the city and county of St. John, and in the counties of Westmorland and York. They have established a University at Sackville, which is well attended and which is turning out many graduates.

BANKING IN NEW BRUNSWICK.

THE Province of New Brunswick had been in existence for thirty-six years before it enjoyed the benefits of a bank. In that time its commerce had grown to large proportions, and its merchants had become wealthy from their trade with Great Britain, the West Indies and the United States. But all this business had been done without the aid of a bank. The circulating medium of the Province was made up of a variety of coins, British and foreign, of gold and silver, and the value of these coins was fixed by an act passed at the first session of the Provincial Legislature. These values were lower than those that exist at the present day. An English guinea, twenty-one shillings sterling, was worth one pound three shillings and four pence, in New Brunswick currency. If such a coin now existed it would be worth five dollars and ten cents, or twenty-five shillings and six pence of the currency of New Brunswick, prior to the introduction of dollars and cents, in 1860. The Spanish milled dollar was the coin most frequently seen in New Brunswick in its early days, and Spanish and Mexican coins continued to circulate in the Province until it had a coinage of its own. Depending, as the Province did, on foreign coins, there was always a liability

to scarcity in the circulating medium. Ward Chipman, writing to Edward Winslow in 1805, speaks of the great scarcity of specie and says : " All our silver is carried to the States to pay for contra-brand articles, and so would the gold also have been, had it not been for another Act of Assembly fixing the standard weight of gold coin, which having made the gold as valuable here, or rather more so than it is in the United States, we have now a great deal of gold in circulation." To remedy the scarcity of the circulating medium, the Legislature passed an act in 1805, authorizing the issue of treasury notes to the value of five thousand pounds. These notes bore interest at the rate of five per cent. but they were not a legal tender, except for the payment of Provincial duties. As the people of the Province had been accustomed to the use of specie, it was thought that the adding of interest would tend to increase the circulation of the treasury notes, but the effect was quite different. Ordinary persons could not calculate the interest readily, and this made the people reluctant to take them. They never circulated freely, and at the end of a year and a half after the first issue, the number in the hands of the people was not much more than one-fourth of the authorized issue. The result was so unsatisfactory that in 1807, an act was passed for the purpose of redeeming and cancelling these treasury notes.

At the Legislative session of 1818 another act was passed authorizing the issue of the treasury notes to the value of ten thousand pounds, of eight different denominations, from five shillings to five

pounds. These notes bore no interest, and they were a legal tender only at the treasury. In January, 1819, there were £3,925 worth of these notes in circulation, but, unfortunately, the Province was not in a position to redeem them promptly, and an act was passed in 1820, which provided for the calling in, payment and cancelling of all treasury notes issued under the act of 1818. As this plan of increasing the circulating medium had failed, time was ripe for the chartering of a Provincial Bank.

At this session of the Legislature therefore, an act was passed incorporating certain persons under the name of the Bank of New Brunswick. The capital stock was to consist of current gold and silver coins of the Province, to the amount of fifty thousand pounds, one half of which was to be paid in before the 1st September, 1820, and the other half on the 1st September, 1821. The Bank was authorized to begin business when fifteen thousand pounds of its capital had been paid in, and it had power to issue notes, but it was provided that the total amount of the debts which the Bank should at any time owe, whether on bonds, bills, or notes, should not exceed twice the amount of the capital stock actually paid in by the shareholders. It might have been supposed that in a wealthy community like St. John, the shares of the Bank would have been speedily taken up, but this was not the case, for in 1821, the Directors of the Bank obtained an act to reduce its capital stock to thirty thousand pounds. This was done on the ground that only a part of the capital stock had been subscribed.

The failure of the Bank to receive the support of the merchants of St. John generally, seems to have been largely due to the fact that there were too many members of the Council and Assembly among its founders, the twenty incorporators named including no less than three members of the Council, eight of the House of Assembly, and five public officials. Such a financial institution seemed to be too much under the control of the ruling classes to be popular. A bank, if managed on business principles and solely with a view to the general interest, might be of great assistance to the merchants, but if managed otherwise, it might be the means of injuring and oppressing those who were not in favor with the officials and their friends.

In 1825 a bill was introduced to incorporate another St. John bank, under the name of the City Bank. The petition which accompanied this bill was signed by thirty-one merchants of the city, some of them being among its largest importers. They represented that the capital of the Bank of New Brunswick was "totally inadequate" to afford the accommodation the business of the country required. The City Bank was to have a capital of thirty thousand pounds. In the mean time the Directors of the Bank of New Brunswick took the alarm and asked to have their capital stock increased to the original sum, fifty thousand pounds. This was done and the bill to incorporate the City Bank was defeated in the House of Assembly. At the same session of the Legislature, the Charlotte County Bank was incorporated with headquarters at St. Andrews and a capital stock of fifteen thousand pounds.

In 1832 the leading merchants of St. John, endeavored to obtain an act of incorporation for a new bank to be called the Commercial Bank of New Brunswick. Their petition, which was very largely signed, represented that the Bank of New Brunswick also had become a monopoly, so that a few individuals had the power not only to check, but absolutely to control the commerce of a large portion of the Province. The directors of the Bank of New Brunswick also sent in a petition justifying their management, and asking for an investigation of it. This petition contained what was virtually a threat, that if another bank should be established they would be obliged to call in at least half of their loans. Notwithstanding this threat, the bill to incorporate the Commercial Bank passed the Assembly by a substantial majority, but it was defeated in the Council, most of the eight old men who unanimously threw out the bill, being interested in the existing bank.

In 1833 the promoters of the Commercial Bank were again applying for incorporation, while the directors of the Bank of New Brunswick sought to have their capital stock increased. Both bills were passed in the House of Assembly, but with the proviso that neither bill should become law unless the other was also passed. This ridiculous rider, which was attached to both bills, only serves to show the violence of the conflict between the banking monopolists and their opponents. The Council threw out both bills, and thus again proved themselves faithful to the interests of the old bank.

In 1834 another effort was made to obtain a new bank in St. John, but with no better success than on the former occasions. The Bank of New Brunswick as before, met this with a bill to increase their capital stock. This was rejected by the House of Assembly, but the Commercial Bank Bill was passed after a vigorous contest. The Council also passed it but with numerous amendments, and when it got back to the House it was rejected. At this session, however, something was done to increase the banking capital of the Province, by the incorporation of the Central Bank, with headquarters at Fredericton. This bank had a capital of fifteen thousand pounds.

The petitions in favor of the establishment of the Commercial Bank had been very numerously signed and had come from York, Sunbury, Carleton, Charlotte and Westmorland, as well as from St. John. More than thirteen hundred respectable residents of the Province had declared that St. John required a new bank, yet the Legislature had refused to grant the charter asked for, and showed a disposition to make a burlesque of the whole business. Under these circumstances an appeal was made to the Lieutenant Governor, for letters patent under the great seal of the Province, and a charter in this form was granted in August, 1834. Nineteen years later it was continued by an act of the Legislature. The new bank had a capital of one hundred and fifty thousand pounds, and more than half of it had been paid in within a year from the time its charter was granted. The large-business it began to do immediately showed clearly

that the demand for another bank was fully warranted by the needs of the Province.

Nothing was done to increase the banking facilities of the Province in 1835, but, during the session of 1836, four important acts were passed affecting the financial institutions of New Brunswick. The Bank of New Brunswick obtained power to increase its capital to one hundred thousand pounds; the Central Bank was authorized to increase its capital to fifty thousand pounds, and new banks were established at St. John and St. Stephen. The latter had a capital of twenty-five thousand pounds. The new St. John bank, which was named the City Bank, had an authorized capital of one hundred thousand pounds. Thus in ten years the number of banks in the Province had increased from one to six and the authorized banking capital from thirty thousand pounds to four hundred thousand pounds. In 1838 when all the new banks had become fully established their paid up capital reached the large total of £275,000; their notes in circulation were upwards of £200,000; their deposits exceeded £100,000 and their discounts aggregated almost £500,000. The Bank of New Brunswick which for so many years was the only bank in the Province, was far surpassed by the Commercial Bank and even by the Central Bank. The latter with a much smaller capital had twice as many notes in circulation as the Bank of New Brunswick, and a considerably larger line of discounts. The Commercial Bank had four times as many notes in circulation as the Bank of New Brunswick, and was

discounting four times as much paper. The tremendous expansion of banking in the space of ten years, proves that the complaints in regard to the inadequacy of the old bank were well founded, and causes us to wonder how any business was done before any banking facilities existed. Probably in the beginning of this new era of free banking, the business was overdone and the collapse at a later period of four of the six banks I have named may have been due to reckless management which had its origin a quarter of a century before the final crash came. Yet it is nevertheless true that one of the primary conditions of success for any country is an abundance of banking capital. The logs which came down the St. John, the Miramichi, or the Restigouche during the spring freshet are floated on the money, just as much as they are on the waters of these great rivers. Without the necessary capital, which the banks largely supply, the lumberman could not send his choppers into the woods or keep them there during the winter. The snows of winter would melt in vain but for the money which enables him to keep his gangs of river drivers on the swollen streams. The noisy saw mills would remain silent, were it not for the capital which enables each working man to be paid his wages regularly, whether sales abroad have been made or not and without regard to the state of the market.



EDUCATIONAL PROGRESS IN NEW BRUNSWICK.

BY J. R. INCH, LL.D.,
Superintendent of Education.

THIRTY-SEVEN years ago the Free Schools Act of New Brunswick superseded what was known as the Parish Schools Act. The new Act was based on the Nova Scotia School Act, which had been in operation for several years previous to the enactment of the New Brunswick law. In essential features the school systems of the two Provinces are very similar. They differ only in so far as the previous educational conditions in each Province rendered modifications desirable or necessary. In both Provinces the free school system has produced highly satisfactory results. A new epoch in educational progress dates from the inauguration of schools established and maintained by public taxation and free to every child of school age.

The New Brunswick system embraces the University of New Brunswick, thirteen Grammar Schools, fifty Superior Schools, and between seventeen and eighteen hundred intermediate and primary schools. The courses of study in these various grades of schools are carefully articulated, so that a child entering the primary school may

proceed, step by step, until he completes the University course in Arts or Applied Science. The Chief Superintendent of Education has supervision of the complete system, being *ex officio* the President of the Senate, or governing body of the University, as well as Superintendent of all public educational institutions of lower grades.

In indicating educational progress in New Brunswick, I will refer only to the statistics of the last seventeen years, during which the present Superintendent has been officially connected with the administration of the Schools Act.

THE UNIVERSITY.

In 1891-2, the number of Professors and Assistant Instructors was seven, and the number of undergraduates was sixty-seven. At the close of that year ten students received the B.A. degree, and four the M.A. degree in course.

In 1907-8 the number of Professors had increased to ten, the number of undergraduates to one hundred and forty-seven, and the number upon whom Degrees were conferred to thirty-three; viz., B.A. eighteen; B.Sc., ten; M.A., four; Ph.D., one.

During the period between the dates named, three additional chairs had been established, viz.—Chemistry, Mechanical Engineering and Forestry.

THE NORMAL SCHOOL.

All public school teachers in New Brunswick, with the exception of graduates in Arts of Chartered Universities, are required to undergo training at

the Provincial Normal School. It is true that in remote rural districts where it is found impossible to obtain the services of regularly licensed teachers the Chief Superintendent may, on the recommendation of a School Inspector, grant a temporary local license to an untrained teacher; but the total number of such licenses is small.

The annual attendance at the Normal School has increased from 243 in 1891-2, to 384 in 1907-8. The teaching staff now numbers eleven, being more than double the number at the former date. There is a special department of Manual Training. A department of Household Science will soon be established. The Model School in the same building has four departments, each under control of a competent teacher.

The Government has in contemplation the establishing in the near future of an Agricultural College, with model farm in connection with the University and Normal School.

SECONDARY SCHOOLS.

The Grammar, Superior and other High Schools give instructions in all grades above Grade VIII. The number of pupils in these higher grades has increased more than three-fold since 1891. Students who complete the eleventh grade are prepared for Matriculation into the University. The twelfth grade in the St. John Grammar School covers the work of the University Freshman year. The number of pupils in High School grades is now about 2,000 annually, about one-third of whom complete the eleventh grade.

CONSOLIDATED SCHOOLS.

These differ from the other High Schools in the fact that greater attention is paid to Nature Study as illustrated by School Gardens, the Manual Training, and Household Science. Several of the other schools have also gardens and Manual Training Departments. The Government makes liberal provision for the maintenance of these departments, and for the transportation of children to and from the schools.

There are now four Consolidated Schools in successful operation in New Brunswick. These are located at Kingston, Riverside, Florenceville and Hampton. The aggregate enrolment in these schools is about 700. The total taxable valuation of the four consolidated districts is \$933,265, and the average rate of taxation upon the districts is one per cent. of the valuation. The total cost per pupil chargeable to the districts is less than \$13.50. In view of the superior educational advantages afforded to the pupils of these schools, the expense to the ratepayers is certainly not excessive. There are many poor districts in the Province that pay for very inferior schools, open only part of the year, at a much higher rate per cent. on the assessable valuation. Other Consolidated Schools will be established in the near future.

PRIMARY AND INTERMEDIATE SCHOOLS.

The common school grades are provided for in connection with all the High Schools. Not more than twenty-five per cent. of all pupils enrolled

reach the High School grades. It is, therefore, of the utmost importance that the greatest possible efficiency be maintained in the common schools; and this is the constant aim of the administration. There has been vast improvement during the last twenty years in these school buildings and equipments, in methods of teaching, and generally in educational results.

DEPARTMENTAL EXAMINATIONS.

The result of these examinations may be taken as a fair criterion of the interest manifested by teachers and students in the work of the schools. These embrace High School Entrance and Leaving Examinations, Normal School Entrance and Closing Examinations, and University Matriculation Examinations. These examinations were instituted in 1893.

The total number who entered for these examinations the last year was more than double the number that entered in 1893; and the results were correspondingly satisfactory.

In conclusion, it may be confidently affirmed that interest in educational matters on the part of rate-payers and citizens is annually increasing, as manifested by more generous contributions towards the support of our schools and the salaries of teachers; that the status of the teaching profession is at a higher level than at any previous period of provincial history, and that the outlook for the future is encouraging.

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